

**LAND CONVEYANCES IN DELAWARE, NEW YORK,
AND SOUTH CAROLINA**

HEARING

BEFORE THE

SUBCOMMITTEE ON SOIL AND WATER
CONSERVATION, FORESTRY, AND ENVIRONMENT
OF THE

COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY
UNITED STATES SENATE

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FIRST SESSION

ON

S. 1503, S. 129, H.R. 24, and S. 566

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THURSDAY, SEPTEMBER 22, 1983

U.S. SENATE,
SUBCOMMITTEE ON SOIL AND WATER CONSERVATION,
FORESTRY, AND ENVIRONMENT OF THE
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:32 a.m., in room SR-328A, Russell Senate Office Building, Hon. Roger W. Jepsen (chairman of the subcommittee) presiding.

Present: Senator Jepsen.

STATEMENT OF HON. ROGER W. JEPSSEN, A U.S. SENATOR FROM IOWA

Senator JEPSSEN. The Subcommittee on Soil and Water Conservation, Forestry, and Environment will come to order. I welcome each of you here today.

The Subcommittee on Soil and Water Conservation, Forestry, and Environment will receive testimony concerning land conveyance bills. Senate bill 129, introduced by Senator D'Amato and cosponsored by Senator Moynihan, along with its House companion bill, H.R. 24,¹ would make the Hector land use area a part of the National Forest System by transferring the area into the Green Mountain National Forest.

Senator Hollings and Senator Thurmond have introduced Senate bill 566,² and a subsequent amendment in the nature of a substitute that would release a reversionary interest held by the United States on approximately 2 acres of land in Sumter County, S.C.

Senate bill 1503,² sponsored by Senator Roth and Senator Biden, would release the reversionary clause by the Federal Government on 6.21 acres of land previously conveyed to the State of Delaware.

It is my understanding that there are no parties this morning testifying against this; to the best of my knowledge that is accurate. Therefore, we will move along with the witnesses.

Secretary Crowell, the Assistant Secretary for Natural Resources and Environment for the Department of Agriculture—John, welcome. You may proceed in any manner you so desire. Any written

¹ See pp. 36-46 for a reprint of H.R. 24 and S. 129 with accompanying reports and staff explanation.

² See pp. 47-53 for a reprint of S. 566 with accompanying staff explanation, and pp. 54-60 for a reprint of S. 1503 with accompanying staff explanation.

remarks you have will be entered into the record as if read. You can summarize them and proceed in any manner you wish.

STATEMENT OF HON. JOHN B. CROWELL, JR., ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT, U.S. DEPARTMENT OF AGRICULTURE

Mr. CROWELL. All right. Thank you, Mr. Chairman.

As you have stated, I am here this morning at the committee's request to provide the administration's views on the three pieces of legislation represented by the four bills you referred to.¹

The first that I would address would be the two bills that deal with the Hector land utilization project up in New York State. The purpose of the bill in transferring the land utilization project which has been under the administration of the Forest Service for almost 30 years now, is to prevent the sale of the land utilization project until Congress gives some specific authority to the Secretary of Agriculture to sell portions of the National Forest System, which authority now does not exist.

If the 13,000-some acres that make up the Hector land utilization project today were left in its current status of a land utilization project, the Secretary does now have the authority to make a sale.

Now, this whole question was precipitated because in 1981—with the setting up of the property review board and the initiative by the administration to look at some of the landholdings of the Federal Government with the idea that some of them probably could be disposed of because they were not readily manageable or were expensive to manage or did not make sense to hold in Federal ownership—we had identified in the Forest Service a number of land utilization projects, including the Hector project, as candidates for sale.

We made an announcement that we were going to study the project for suitability for sale, and we have done that. As part of the study, there was a lot of public participation and it became apparent that there was almost unanimous opposition to the sale of the Hector land use project in upper New York State.

The support for retaining the land in Federal ownership was based partly on the fact that it was the only piece of land in the State administered by the Forest Service. There was some grazing going on, on it. It did supply some wood primarily for firewood users, but also for commercial purposes. And it got heavy recreational use, including recreational use for hunting because the land does produce a variety of game. It also is much utilized by people for hiking and for camping.

The administration recognizes that those are good reasons for retaining the land in Federal ownership, and so we do not oppose enactment of this legislation. However, we are very much concerned about the costs of administering the Hector land utilization project.

It is a very small piece of land, isolated from any other National Forest land. It is 300 miles away from the Green Mountain National Forest in Vermont, which it is going to be made a part of by this legislation.

¹ See p. 27 for the prepared statement of Mr. Crowell.

The costs of administration in 1982, as an example, were about \$185,000, whereas receipts generated from the land amounted to only about \$25,000—a very large gap. Since this matter has come to my attention, I have personally directed the Forest Service to look at ways in which we could, on the one hand, increase receipts and, on the other hand, decrease the costs of operation.

We already have identified the possibility of increasing receipts from grazing fees because the grazing fees are, as it turns out, considerably below the market rate which now exists in the area for other land.

We also expect that the management practices, which have been in place on the Hector land utilization project for almost 30 years now, are just getting to the point where we have got some fairly high-grade hardwood, good quality hardwood, which can be sold.

In other words, we are going to be getting our first crop off of the property, so that too, has the promise of increasing the receipts. But the best expectations are that there would still be a considerable gap, perhaps in the neighborhood of \$80,000 to \$100,000, which would need further closure.

We do hope to identify by November 1, I am told, ways of reducing that gap by lowering the costs of operation. But the one remaining thing that is possible for decreasing the burden to the Federal taxpayer for supporting this land utilization project in Federal ownership would be to charge fees for the people who come in and use it for recreation.

So, Mr. Chairman, it is our very strong recommendation, to the committee that serious consideration be given to adding, as an amendment to the bill language, which is attached to my statement, providing to the Secretary of Agriculture the authority to charge reasonable fees to users of the land utilization project.

Now, by "reasonable," we would mean that we would have either a day use charge or a short-term-use charge which could be good for, say, a week or two. We would also consider having an annual pass kind of thing.

The day-use charge might be a dollar or a dollar-and-a-half, the 10-day or 2-week fee might be \$3 to \$5, and the annual pass might be something in the neighborhood of \$15 or \$18, something like that.

We have not really settled on what would be appropriate because we do not really know what would be appropriate. We think it would require a bit of study and a little experimenting with a fee, before we settled on the rate.

Now, this would establish a precedent for land that is under national forest management, but we believe it would be very appropriate to do it in this case because of the extreme isolation of this small piece of land and because of the high costs that the Federal Government incurs in administering it; we could learn something that may be of considerable utility toward management of the national forests generally.

For all of those reasons, therefore, we do urge that the committee enact this bill with the amendment that we have proposed.

Turning to the other two pieces—

Senator JEPSEN. If I may, Mr. Secretary, I would like to just pursue Senate bill 129 and the companion bill, H.R. 24.

Senator Moynihan, would you care to come up and attend? Secretary Crowell has just discussed in some detail the Hector land that is proposed to be transferred. To frame things, I will now hear the testimony of the two very distinguished Senators from New York, Senator D'Amato and Senator Moynihan. We will discuss this subject that has just been addressed from the Department's standpoint.

To summarize for the record, Senate bill 129 and companion bill, H.R. 24, provide that all land within the Hector land utilization area in two counties in the State of New York be added to the Green Mountain National Forest.

The administration, per your testimony, does not oppose the bill, but recognizes that the costs of management will outweigh the receipts from the forest. Now, stop me, if any of this is inaccurate.

The administration would like authority to charge a higher level, or what it calls reasonable recreation fees. Is that correct?

Mr. CROWELL. That is correct.

Senator JEPSEN. There are 13,232 acres of land involved. This area would be managed as a separate ranger district and is located approximately 200 miles or so from existing management units of the Green Mountain National Forest in Vermont.

The area is already managed by the Forest Service and was proposed for study under the asset management program. All those things are correct?

Mr. CROWELL. That is correct, Mr. Chairman.

Senator JEPSEN. I, now, welcome Senator D'Amato and Senator Moynihan. You may proceed in any manner you desire.

Welcome, and we have the man here, and maybe we can get everything settled right here.

STATEMENT OF HON. ALFONSE D'AMATO, A U.S. SENATOR FROM NEW YORK

Senator D'AMATO. Mr. Chairman, thank you so very much for giving us this opportunity, and I will avail myself of the opportunity to submit my statement for the record in its entirety.¹

At the outset, let me suggest that Congressman Horton, who has been one of the prime movers on the House side and certainly has been in the leadership area, cannot be here simply by reason of the fact that he is ranking member on a committee that is holding hearings at this very time. Obviously, he strongly supports S. 129.

The fact is, as the record already indicates, this is 13,000-plus acres of magnificent forest land that should be preserved, and I am delighted that the administration has come to that point of view.

It was managed and it continues to be managed for a number of years by the Forest Service. I think they can do things in implementing the management in such a way that will reduce its costs. They can avail themselves of some of the talents that come out of Syracuse University and Cornell University, with their fine agricultural programs. I would wonder if that would be the technique by which to do that.

¹ See p. 19 for the prepared statement of Senator D'Amato.

I would have to say that while I am pleased and delighted that the administration supports S. 129, I would most adamantly suggest that I would be opposed to the amendment that they suggest.

To single out just this parcel in this entire great Nation of ours and say that it will be the subject of an experiment for special payments, where this is not the case in any other area, would be extraordinarily shortsighted.

If we talk about a study, let us look at studies and ways to get about more prudent management. That is one thing, but not to adopt a policy now and say, well, we will study various methods and fees, et cetera, that could be implemented and utilized.

I would not be opposed to a study of how we could bring about the most productive management of this precious resource. But, certainly, at this point to say that, well, because there will be a revenue short gap of about \$100,000 plus, we would like to make provision for us charging fees here—we do not know what the fees will be; we do not know the nature of them, really; there are a variety of them—I could not support that amendment.

I might also add, Mr. Secretary, it seems to me that we do not manage our other forest lands like that. We do not look to see, for example, that the great treasures that we have in our forest lands give a profit.

I am wondering whether or not you might respond to that. Do we make profits or break even on all of our forest lands?

Mr. CROWELL. I would be happy to respond to that, Senator D'Amato. There is, of course, precedent for charging for recreational use on some Federal lands. The national park system, for instance, does charge entry fees.

The receipts from the national forests do include some recreational charges for use of improved campgrounds under standards which were put into law by the Land and Water Conservation Fund Act of the late sixties. But we have a very large gap there, too, in terms of the expenditures that we incur for recreational purposes on the national forests each year, and the receipts that we get under the authority we presently have to charge for recreational use.

We believe that when the country is facing Federal deficits of the size that we have been running and we are dealing with a Federal debt of the size we now are dealing with, it is incumbent upon the executive branch and the legislative branch to look for ways in which we can reduce those deficits.

And I think we are going to have to look, whether we like the idea or not, at the concept of making a charge to the people who actually benefit from recreational use of these pieces of land.

Senator D'AMATO. Mr. Secretary, if I might be so bold—Mr. Chairman, with your indulgence—let me suggest to you that when we have charges throughout the Nation, I will say fine, it is OK for here.

But I am not going to at this point in time suggest one iota that I would ever possibly consider that we should be singled out, this parcel, for the great experiment when there are no studies, no plans, et cetera.

By the way, I am not suggesting we should not make a study. I am not suggesting that there may not be ways nationwide by

which we could close some of that gap and return some money. I am not suggesting that user fees in the proper way, context, et cetera, may not be appropriate, including here.

But to suggest that we are going to just single out this parcel and have a special project and fees, I think would be irresponsible.

By the way, 500 is not bad. In other words, we have got 50 percent supporting S. 129; you have an amendment to it. I see you do not have a sense of humor; you are not even smiling.

Mr. CROWELL. I am afraid I am missing the point.

Senator D'AMATO. Well, you know, around here if you hit the ball half the time, that is not bad. I thank you for being on target 50 percent by supporting S. 129. It is just that we disagree on the amendment.

Senator MOYNIHAN. Well, let me address the chairman, if I can.

Mr. Chairman, this is an area I know well; it is about 135 miles from our own farm where we live in upstate New York. These are marginal farms in low hills in Seneca and Schuyler Counties. Seneca County is where Cornell is located, at the bottom of the lake.

They were bought up in the depression as bankrupt farms. There has been almost no improvement on them. The State was given some portion of it as State land, and then I think in 1954 this was put in the national forest. Is that not right, Mr. Secretary?

Mr. CROWELL. It was turned over to management by the Forest Service.

Senator MOYNIHAN. Yes.

Mr. CROWELL. Previously, it had been under the Soil Conservation Service.

Senator MOYNIHAN. Exactly, but they were bought up as upland dairy farms. There has been very little done here; they have not put anything into it. But there is a grazing association that puts about 2,000 cows out for 5 months a year; it is a short season.

There is a lot of deer and some grouse in there, and it is a place where people in the neighborhood go hunting. There is some cutting of timber.

Two-thirds of the State of New York is covered by forests. You would not think that, but there are large forests which contain hardwood.

Syracuse University has a land-grant college. We have two land-grant colleges in New York; at Syracuse, it is the college of forestry and at Cornell it is agriculture. And, you know, if you rank the three ranking forestry schools in the country, Syracuse would be in that ranking. I think you would agree, would you not, Mr. Secretary?

Mr. CROWELL. I would not dare take on that one.

Senator MOYNIHAN. I mean it is good.

Senator D'AMATO. I spent 6 years there.

Senator MOYNIHAN. He is a graduate. I used to teach there.

Mr. CROWELL. You are biased, both of you.

Senator D'AMATO. Sure.

Senator MOYNIHAN. What is particularly interesting about Hector is that it has the character of an enormous amount of eastern forest land which was once farm land and is now turning into forest. So, it is a particularly good bit of experimental—you know,

it is what they work with, forest going from shrub to climax forests. It takes 150 years, but you can get hardwood in 40 years and they are lumbering.

Now, it is very small, very useful; it does not cost much. It is a valuable research tool. The Department of Agriculture, sir, in 2 years has taken the cost of the agriculture program from \$4 billion a year to \$23 billion a year. Is that right, sir?

Mr. CROWELL. Well, those figures—it is about \$22 billion for this year for price support programs.

Senator MOYNIHAN. Give or minus a billion.

Mr. CROWELL. Blaming that on the Department of Agriculture is hardly fair. That is the farm bill of 1981.

Senator MOYNIHAN. When you take a farm program from \$4 billion to \$22 billion in 2 years, to come in here and say we are going to cut that deficit by charging 50 cents to everybody who wants to walk through the woods of Hector is not really my idea of political economy.

Now, I cannot be more serious to you, Mr. Chairman. You know the respect in which we hold you. We would not accept any change and we will raise hell on the floor of the Senate for as long as we are here.

We have got 10,000 acres of used-up farm land which has been put to nice use. There is good research going on there. There is some grazing and some lumbering. Leave us alone.

Senator D'AMATO. Mr. Chairman, at the conclusion of my dear friend and colleague, our distinguished senior Senator—there is nothing further that I could add to that record.

Mr. Secretary, I commend to your attention the Senator's \$23, \$22, or \$24 billion; it is lots of money. Do not try to cut it or make up for it here. It would be inappropriate, I would suggest to you.

And let me again say to our chairman, thank you so very, very much for holding this hearing and for giving us this opportunity and for being so gracious as you always are, Mr. Chairman.

Senator JEPSEN. Before the two distinguished Senators leave, may I ask for the record do you support H.R. 24? The difference between Senate bill 129 and H.R. 24 is primarily that H.R. 24 mandates that receipts would go to the State of New York.

Senator MOYNIHAN. Mr. Chairman, I believe you could make the committee's decision on that in terms of what is uniform behavior, sir.

Senator D'AMATO. Mr. Chairman, I would have to concur.

Senator JEPSEN. I gather from your testimony that you want the Hector land to be added to the Green Mountain National Forest and be made available to the general public as part of that. And the ranger district would monitor it. And other areas of research and development as have been used in the past will continue as they have; it is just a matter of transferring to that.

Senator D'AMATO. Yes.

Senator MOYNIHAN. Yes.

Senator JEPSEN. I think we understand that. Thank you.

Senator D'AMATO. Mr. Chairman, thank you.

Senator MOYNIHAN. Thank you, Mr. Chairman.

Senator JEPSEN. Thank you.

Senator MOYNIHAN. I have a statement I would like to leave with you.¹

Senator JEPSEN. It will be entered into the record.

I thank you both for, as we say in the parlance of the Senate, taking time out of your busy schedules to be with us.

Senator MOYNIHAN. Thank you, Mr. Chairman.

Senator JEPSEN. For the record, Mr. Secretary, before we leave the Hector land Green Mountain National Forest bill, can you, in one or two sentences, describe what is the current use of the land?

Mr. CROWELL. I would say that Senators D'Amato and Moynihan have accurately characterized the use of the property.

Senator JEPSEN. There is no disagreement there?

Mr. CROWELL. No, there is not, and I have already said in my remarks also something about the prospective, future use of the land. I think we are going to be able to harvest somewhat more timber than we have in the past because the timber has been growing, as Senator Moynihan indicated, and is reaching merchantable size at this point.

Senator JEPSEN. Some of the staff has pointed out that this territory has been covered, but I would suggest that the record has been covered primarily by one side here and I want to make sure to find where there are any areas of agreement or disagreement.

You agree with the current use of the land. You agree essentially with the acres involved. The history of the ownership of the land was described adequately and accurately. The cost to the Federal Government is not yet established; it is your feeling there will be a cost, but depending on what you could harvest.

Now, we are back where we were just a second ago, on track. Will you continue on that?

Mr. CROWELL. Well, really, the only point of difference between the administration and the Senators from New York, and I suspect also the delegation from New York in the House that supported this legislation, is the question of whether or not an amendment authorizing the Secretary to charge reasonable fees for recreational use would be appropriate or not.

I think everything has been said on this subject that could be said, except for one thing, and that is the difference in receipts versus expenses in administering this particular land utilization project is very large. And if we had those kind of proportional differences in the rest of the National Forest System, we would have a very, very large deficit—much larger than we have for operating the Forest Service.

Senator JEPSEN. Well, the differences in receipts versus expenses for this particular piece of land, is that what you are saying?

Mr. CROWELL. Yes, yes. The ratio today is about seven to one in terms of expenses over receipts, whereas the rest of the National Forest System pretty nearly breaks even before you take into account the fact that we distribute 25 percent of national forest receipts to the States in which the national forests exist.

It is that reason which really highlights and flags this particular piece of land as being uneconomic and was what made it a candidate for sale. Well, we have all agreed that it would be inappropriate

¹ See p. 20 for the prepared statement of Senator Moynihan.

ate to sell it, but the administration goes on and says that something really needs to be done in order to reduce this difference between costs of administering the land and retaining it in public ownership, with all of the uses that it now has and enjoys and which we support, and the receipts which it generates when, in fact, it could generate more receipts if we were given the authority to charge them.

Senator JEPSEN. I see. So, existing law does permit and does provide for the same administrative charges as all other forest areas. And what you are asking for by way of amendment is to charge an additional amount, which you at the present time call a reasonable fee, for lack of a more specific one?

Mr. CROWELL. That is correct, Mr. Chairman.

Senator JEPSEN. And these fees are yet to be determined and they would be based on a study and appraisal of all factors, including the additional possible lumbering and other things in that area, is that correct?

Mr. CROWELL. Yes. Obviously, it would be against the interests of the Government to set the fees so high that they discouraged use, and so the fees will have to be set at a level that people are willing to pay in order to continue the use that they have enjoyed and that they very much want to continue, which is one of the reasons why this legislation is being proposed.

Senator JEPSEN. Finally, in your opinion, is this bill needed?

Mr. CROWELL. Well, I do not think it is needed necessarily because I think the Forest Service and the administration would have reached the same conclusion about the political impossibility, if you will, of selling this particular tract of land.

Senator JEPSEN. Why is the bill needed, then?

Mr. CROWELL. The bill is being asked for to make sure that this administration or another one does not at some time utilize the existing authority to sell a land utilization project.

By putting it into the National Forest System, the land would no longer be subject to sale.

Senator JEPSEN. If the bill were passed with a requirement that a study be made and a review of the fee schedule after, say, a 24-month period was to be made, that is not exactly what you are asking for, but it would be a step in the right direction. I am not trying to make legislation on the spot.

Mr. CROWELL. Well, I do not think that a study by itself, without the authorization to go ahead and implement a charge for recreational use, would get us anything because then it would require another piece of separate legislation and there would be very little likelihood that such legislation would be supported by anyone.

Senator JEPSEN. Are you prohibited from charging recreational fees in other areas? In other words, the statute does not permit you to do what you want to do with this piece of land. Is that what you are saying?

Mr. CROWELL. That is correct. As I indicated to Senator D'Amato in response to one of his questions, we do make some charges for improved campgrounds under the authority of the Land and Water Conservation Fund Act, but that is a very limited authority and we need more than that if we are going to reduce the deficit that we incur by operating this piece of land either in its current mode of

operation or through a more efficient mode which we are now in the process of trying to implement.

Senator JEPSEN. Are you asking for this authority with regard to any other pieces of land around the country?

Mr. CROWELL. Not at the present time.

Senator JEPSEN. This is the only one at the present time?

Mr. CROWELL. Yes, it would be. And as I say, the reason for doing that is that the gap between receipts and expenditures is so large on this piece of land. But if this proves workable, I think that, as I indicated to the two Senators from New York, it very well could be a device or a means for increasing the receipts from the operation of the national forest lands and recovering some of the costs that now are not recovered by the Federal Government and which we really need to look at if we are going to deal with our deficit problem.

Senator JEPSEN. OK, thank you. Now, we have Senate bill 566 in South Carolina, and S. 1503 with regard to the State of Delaware.

Mr. CROWELL. Yes, Mr. Chairman. S. 566 deals with 1.99 acres in South Carolina.

Senator JEPSEN. South Carolina.

Mr. CROWELL. Yes, sir, and it is a rather technical-type bill. What happened here was that this land was acquired under the same authorities, incidentally, that the Hector land utilization project had been acquired, the Bankhead-Jones Act of 1937.

Back in, I think, the midfifties, much of the land so acquired was transferred to the States, and that occurred with respect to the 1.99 acres which is the subject of this bill.

Senator JEPSEN. They want to take the 1.99 acres and transfer it to a local church, is that correct?

Mr. CROWELL. Well, yes, that is clearly the plan. What happened was that apparently this local church had long occupied the almost 2-acre site and it was in occupation at the time the land was acquired originally by the Federal Government, and certainly was in occupation at the time the land was transferred by the Federal Government to the State of South Carolina.

Now, with the State willing, apparently, to transfer fee ownership of its interest to the church, the reversionary interest which remains in the Federal Government with respect to this land would continue to be a cloud on the title of the church, and this bill would clear that cloud.

Senator JEPSEN. And there has been a substitute bill with the Department of Agriculture that Senator Hollings and Senator Thurmond, as I understand it, will offer. And that has been worked out and agreed to with your Department?

Mr. CROWELL. No, that is not correct, Mr. Chairman.

Senator JEPSEN. That is not correct?

Mr. CROWELL. They do have an alternative bill that they have offered or intend to offer; I am not sure which. But our review of that indicates that it does not cover in quite so much detail some of the legal aspects involved in S. 566.

For instance, there is not any requirement that the State of South Carolina actually transfer the land on to the church. We think that is a desirable provision in the bill because that is really the purpose of giving up this reversionary clause which exists with

respect to all land which originally had been acquired by the Federal Government under the Bankhead-Jones Act.

And for that reason alone, we would tend to favor S. 566 over the less detailed amendment or substitute bill which the two Senators from South Carolina have indicated they would support.

Senator JEPSEN. So, your concern about the Hollings-Thurmond substitute amendment is that it does not require specifically the transfer to the church; it merely just says that the land title, and so on, will revert back to South Carolina?

Mr. CROWELL. Yes.

Senator JEPSEN. And that is not a practice or a precedent you want to establish?

Mr. CROWELL. That is correct.

Senator JEPSEN. Are there any other objections to this bill?

Mr. CROWELL. No, sir.

Senator JEPSEN. Senate bill 1503 with regard to 6 acres, or approximately thereof, of land in the State of Delaware?

Mr. CROWELL. This, again, is a little different situation which arose from the acquisition of land under the Bankhead-Jones Act and the subsequent transfer in the fifties on to the States.

In this situation, there has been an encroachment by a private development. Private land has adjoined the particular acreage affected here and it turns out that 6.21 acres of land in ownership of the State of Delaware, which is subject to this same reversionary clause, suffers from this encroachment, this inadvertent encroachment, as far as can be told.

The bill would accomplish the removal of that encroachment by, again, releasing the reversionary interest of the Federal Government on condition that the State would get another 6.21 acres, or a little bit more, as it turns out. I think the State is proposing to acquire about 8 acres, which they would then devote to the public purposes for which the Bankhead-Jones Act lands were turned over to the States.

If that public purpose use ceases, then the reversion takes place to the United States. And so it is on condition that there be a substituted piece of land which would become subject to that kind of public purpose that we would approve the enactment of this bill.

Senator JEPSEN. Does Senate bill 1503 encompass that now? Is that included in there?

Mr. CROWELL. Yes, yes, all of those conditions are built into it.

Senator JEPSEN. And as it is now drafted and written, does it meet with your approval?

Mr. CROWELL. It does.

Senator JEPSEN. Do you have any further comments for the record?

Mr. CROWELL. No; I do not, Mr. Chairman. Thank you very much for the opportunity to present our position so fully.

Senator JEPSEN. I thank you, Mr. Secretary.

We now have Ms. June MacArtor, deputy attorney general of the State of Delaware. Would you please come and join us, Ms. MacArtor. Do I pronounce that right?

Ms. MACARTOR. MacArtor.

Senator JEPSEN. Welcome to the Senate and the written testimony you have will be entered into the record and I assume you are

here to discuss Senate bill 1503 with regard to the State of Delaware.¹

You may proceed in any manner you so desire.

**STATEMENT OF JUNE D. MacARTOR, DEPUTY ATTORNEY
GENERAL, STATE OF DELAWARE**

Ms. MACARTOR. Thank you, Senator Jepsen. Good morning. I am June D. MacArtor, deputy attorney general of Delaware, assigned to the department of natural resources and environmental control, which has charge of public lands of the State, most of which were acquired directly from William Penn by way of the American Revolution.

The written material which has been submitted to your staff contains the facts that you need in order to consider this bill, Senate bill 1503. The story of what happened provides an interesting case study of private and public interests and what can be accomplished by cooperation among agencies and public representatives. I would like to use my few minutes here to tell you that story.

A number of people in State government have been aware through the years of encroachments on State land. Some of these encroachments are quite innocent; some are deliberate. They began to come to me with stories from the time I became a deputy attorney general in 1974.

There was one where an individual had a great love of coastal lands and noticed that the State did not have the time and money to take care of them in the way he thought they should be taken care of. He arranged a cooperative program with the State to plant trees and to build up the dunes so that the beaches would be protected.

In the course of that, there was some vandalism. He arranged with the State for a fence to be built encompassing both his land and State lands. His successors in interest somehow acquired the belief that all the fenced land was theirs. That was one instance; that was an innocent instance.

We had another instance where a young man got out of law school, looked at his family land down in the beach area in Delaware, and decided to record a deed that encompassed 13 acres of State land along with his family's land. We just concluded that case in the Delaware Chancery Court; it had been up to the Delaware Supreme Court a couple of times, and the State is retaining that 13 acres, which represents in that area these days many millions of dollars.

These stories came to me from people who knew of them and had no time or money to follow them through. I had no time or money to follow them through for the State. However, at the same time in this country, the people collectively became aware of the national treasure of our coastal lands.

The Federal coastal zone management program provided the time and the money that we needed to protect our State lands for the people of Delaware. And since we are very close to Washington, and some of our areas have been called the summer capital, we feel

¹See p. 33 for the prepared statement of Ms. MacArtor.

that this is a protection for all of the people of the United States as well.

Senator JEPSEN. What was the name of that specific act again?

Ms. MACARTOR. The Coastal Zone Management Act. It set up a kind of carrot program for the States to plan for the coastal areas all over the United States, and all coastal States, I believe, take part in that and set up management programs.

One of the very big elements of our Delaware program was the protection of these lands. We used that money for a survey in 1977 of all the coastal lands in Delaware which was recorded. It was in the course of this 1977 survey that we came across this blip of 6 acres which had accreted to lands that had been originally condemned by the Federal Government and then returned to the State when they were not used for the purpose that the Federal Government had originally intended.

This 6 acres adjoined a marshy area that was in the private hands of a developer. This developer, when he was developing his own lands, had a survey which indicated that the 6 acres were part of his land.

Since then, the waters have parted the two pieces of land, but at one time it was all a kind of marshy expanse. He developed this 6.21 acres into 39 building lots. He filled it; it was marshy land and he filled it. He sold it and it has been resold many times. Houses have been built on it and 39 innocent people now live there with a cloud on their title.

Now, the original developer is dead; the original surveyor is dead. Was it deliberate that he encroached on this land? We really do not know for sure; we cannot ask him. The developer's widow, however, has been most cooperative in correcting this encroachment and has already deeded to the State of Delaware 8 acres of very fine wetlands down in Muddy Neck in Sussex County, Del.

The deed is contingent on this bill being passed. In other words, the deed that she gave to us will become void if this bill is not passed within a specified period of time.

The choice came as to whether we would go after this land and put these 39 people off of their lots or whether we would choose another way. The consensus of the people who knew of the effort was that the original developer may have been at fault; that the 39 families are not.

The replacement of the land to the State means that the State will be made whole, and the passage of this bill, with the lifting of the reversionary clause on the whole 1,500 acres of the Assawoman Wildlife Area—the reversionary clause will be lifted only on the 6 acres.

Senator JEPSEN. That is where the homes are now?

Ms. MACARTOR. Yes.

Senator JEPSEN. The 39 families?

Ms. MACARTOR. Yes.

Senator JEPSEN. And if it is listed, they will be able to get—arrangements will be made for them to get clear title so that the money they have will not be lost?

Ms. MACARTOR. Yes; and the law firms that represent some of the original title insurance companies have agreed to prepare the

confirmatory deeds for that. So, the effect of this bill is that the Assawoman Wildlife Area will remain intact.

The State will have 8 acres of wetlands instead of the 6 that had accreted to this land that was sent back to the State. The public purpose clause will be put in a confirmatory deed from the widow of the developer so that the land will pass to the Federal Government rather than revert because since the 8 acres did not originally belong to the United States, the language will be that it will pass to the Federal Government if the public purpose is ever violated.

Thirty-nine very pleasant, patient families will have an agonizing cloud removed from their titles. They have worked with us. They have been most pleasant and patient.

There is no opposition to this bill in the State so far as we know, and since we have been pretty careful in putting together the bill and working with the Department of Agriculture on the bill, we think that were there any opposition, we would know about it.

The public lands program of Delaware will have a serious threat removed because I think you can understand what might happen if we filed suit against 39 families, who would then sue their predecessors in title, who would sue their title insurance companies, and so forth.

I thank you for holding this hearing on this bill. It is a bill maybe with not monumental national importance, but of importance to the State of Delaware and of crucial importance to those 39 families. And we would be happy to answer any questions you might have about it.

Senator JEPSEN. I thank you. Just very quickly, to the best of your knowledge, is there any cost to the Federal Government on this?

Ms. MACARTOR. No; there is no cost at all.

Senator JEPSEN. Fine.

Ms. MACARTOR. There is no cost to the State of Delaware, except the time we have put in on it.

Senator JEPSEN. Well, it sounds like one of these rare noncontroversial, people-interest bills that we could pass unanimously. I thank you for your testimony.

I have a letter from the Governor of Delaware, Pierre duPont, supporting this legislation, also, which I would now ask be entered into the record.¹

I thank you for coming. Have a safe trip home, and it sounds like we should be able to do this.

Ms. MACARTOR. Thank you, Senator; the faster, the better.

Senator JEPSEN. All right, thank you.

Rex Resler, executive vice president, American Forestry Association. Mr. Resler, your testimony that you have in writing will be entered into the record.² Welcome to the committee, and you may proceed in any manner you so desire.

¹ See p. 33 for the letter of Governor duPont.

² See p. 34 for the prepared statement of Mr. Resler.

**STATEMENT OF REXFORD A. RESLER, EXECUTIVE VICE
PRESIDENT, AMERICAN FORESTRY ASSOCIATION**

Mr. RESLER. Thank you, Mr. Chairman. I will be brief. The thrust of my testimony is simply to support the logic of passage of Senate bill 129 to transfer the Hector land use project to the Green Mountain National Forest, and thereby withdrawing the Secretary's discretionary authority to dispose of this particular land use project. We think that makes a lot of sense.

I suspect, Mr. Chairman, that you will be receiving other such bills if the Secretary proceeds with disposing of some of the other land use projects around the country. I do not think much more needs to be said on that. It is a very logical bill that would merely add this unit to the Green Mountain National Forest.

I would like to address a couple of other points. I am a little concerned about my good friend John Crowell's recommendation that that unit ought to be at least more self-sufficient from a cost standpoint.

To draw a parallel, I would remind the chairman that the wilderness system, many-multiplied millions of acres, is not self-sufficient. Yet, no one would argue that they ought to be made so as separate from other components of the Federal land management system.

The whole idea of making the Hector unit a separate, self-sufficient system does violence to the logic that if it is made a part of the National Forest System, it ought to be managed in accordance with the rest of the National Forest System.

No doubt, the recreation user fees could be adjusted upward; there may be logic for doing that throughout the National Forest System and throughout the Federal land estate. But that is a separate question that really ought to be addressed at some point down the line.

I am not too concerned about that \$160,000 deficit on the Hector unit for the simple reason that if you analyzed each separate administrative unit on the national forest, you would find many that are not self-sufficient in their own right, but the National Forest System as a whole is quite cost effective.

It returns to the Federal Treasury and to State treasuries an amount equal, certainly, to the cost of administering the National Forest System. It is one of the only systems in the United States that does pay its own way, or very closely thereto.

So, I would urge that a separate fee structure not be set up for the Hector unit. It is also my concern that amendments to H.R. 24, which again would set up a separate accounting system—I would urge you to consider that need for uniformity across the National Forest System in considering that particular amendment.

I think this bill, Senate bill 129, is needed, as I mentioned earlier, to remove the opportunity for discretionary sale. If these units are to be sold and if it is in the public interest to do so, I would personally prefer it be done by an act of Congress.

Finally, I would want to just comment, although my testimony does not address it, the two bills, Senate bill 566 and Senate bill 1503. They seem to me to be a perfectly logical solution to a rather difficult problem the agencies face that can only be resolved by

law, by legislation. And I think they are perfectly equitable and I would endorse them.

I thank you much, Mr. Chairman, for the opportunity to appear.

Senator JEPSEN. Well, I thank you. In your capacity as president of the American Forestry Association, do you see these types of things springing up, off and on throughout the years, across the country?

Mr. RESLER. Yes, and not throughout the years. It has come about as a result of the Secretary of Agriculture's response to the asset management program for the President. That initiative has identified a substantial number of these land use projects around the country, some 60,000 acres of which have been proposed for sale, the Hecor unit being merely one.

There are others in California, I believe, and North Carolina and many places scattered around the country. I think the public will generally oppose those. That is why I suggested that you may have other bills of this type to protect some of these other land use projects.

I would also draw a parallel between the basic authorities under which the land use projects were acquired and other authorities. There is some overlapping in which the national grasslands were acquired at one time. The Secretary does not have authority to sell those lands now.

The background is essentially the same—the acquisition of farmed-out or grazed-out or timbered-out lands, purchasing them not only to rehabilitate them but to keep them, and presumably to keep them in public ownership.

We think that was logical at the time they were bought and we think it is still logical, with the exception of maybe some few isolated parcels, and I am talking about quarter sections, sections, or maybe somewhat larger units.

But those decisions ought to be made on the basis of local input. Now, it is true that the administration has supported this bill, and I applaud them for that. They encountered tremendous opposition from the people in New York and elsewhere around the country.

This is a good bill and we support it.

Senator JEPSEN. As president of the American Forestry Association, is there any situation that you would consider being justifiable for the Federal Government to sell off what they already have by way of jurisdiction over any forest land?

Mr. RESLER. Yes. We have testified previously and spoken frequently on the asset management program. There is no question but that the Federal land management system is untidy from a management standpoint, and there are isolated parcels that are not manageable, as such, in an efficient way. They may well fit into the management schemes of other adjacent landowners.

We have disagreed with the property review board on the notion that there should be few, if any, exchanges; they ought to be all sold. We think a land adjustment program should be continued.

We have favored that the Secretaries of Agriculture and Interior manage their own programs, continuing with the land adjustment program, calling on the public to have an opportunity to express their views on it.

Where those isolated parcels or unmanageable parcels do not fit into the management of, say, the National Forest System or the BLM plans, certainly sale ought to be one of the authorities.

Senator JEPSEN. I have heard you just say that where there are isolated parcels of land that are not contiguous geographically to a managed, Government-owned—

Mr. RESLER. And unmanageable.

Senator JEPSEN [continuing]. And unmanageable. In these instances, they could be sold. Are there any others?

Mr. RESLER. Oh, there are lots of opportunities.

Senator JEPSEN. Well, assuming that you have got a quarter of a section or a kind of a point or a sliver or something that just does not make sense, but just generally.

Mr. RESLER. Yes. There are parcels throughout the Federal land management system that ought to be considered under some kind of a land adjustment program. The administration calls it their asset management program.

We have no problem with the philosophy of disposing of surplus lands. We just think that it should not be done as was originally touted as a means for retiring some portion of the Federal debt.

We are pleased to see Interior, and hopefully Agriculture as well, move back to the basic premise, which should be to dispose of lands that do not fit into the system either by sale or exchange, by grants, or whatever.

Senator JEPSEN. Would you support the concept of user fees for the entire National Forest System?

Mr. RESLER. I support a complete review, and probably user fees for the entire Federal system. I do not think the National Forest System ought to be isolated. The land and water conservation fund authorizes the collection of recreation user fees. That could be scaled up or down, but I agree with the Senators from New York; it ought to be uniformly applied, not just across the National Forest System, but across the Federal estate.

I think that question really needs to be addressed. I think it might be possible to establish a better fee system, a more logical fee system, for recreation use if there could also be some assurance that those moneys would be plowed back into the enhancement of recreation opportunities on Federal lands.

But that is a sticky wicket. You know, it was proposed here a couple of years ago and it was shot out of the saddle before it was even introduced. It is a controversial issue, but it is also one that ought to be addressed, as I say, particularly if the public could understand that if they pay, by a duck stamp type of approach, an annual fee to go upon Federal lands, they are assured that those moneys would go back into the agency programs to enhance recreational opportunities. I think it might be more attractive.

To assign recreation user fees to a given unit or in some arbitrary manner, no, I do not think it will fly. But it is a source of huge revenue that ought to be considered.

Senator JEPSEN. I thank you.

Mr. RESLER. Thank you, Mr. Chairman.

Senator JEPSEN. It was nice to meet you, and thank you for taking the time to come to testify.

Are there any further comments by anyone in the room desiring to contribute to this hearing?

[No response.]

Senator JEPSEN. If there are no objections, I will insert in the record prepared statements from Senator Hollings of South Carolina and Representatives Frank Horton and Stan Lundine of New York.¹

I would further instruct that the record will remain open until the close of business today, whenever the Senate recesses or adjourns, for any other statements that interested parties may want to put in.

The hearing is adjourned.

[Whereupon, at 10:34 a.m., the subcommittee adjourned, subject to call of the Chair.]

¹ See p. 22 for the prepared statement of Senator Hollings, p. 23 for the prepared statement of Representative Horton, and p. 24 for the prepared statement of Representative Lundine.

APPENDIX

STATEMENT OF HON. ALFONSE D'AMATO
A U.S. SENATOR FROM NEW YORK

Mr. Chairman, I would like to thank you and the other members of the subcommittee for holding this hearing and affording me the opportunity to testify before you today.

When the USDA first proposed the sale of the Hector Land Use Area, the public outcry that greeted the announcement was deafening. Overnight, residents of the neighboring counties expressed, in the strongest terms, their opposition to this short-sighted proposal. My office was inundated with letters from irate constituents. In addition, I heard from many other residents of States who had visited the area and who could not fathom the actions of the USDA. While years of public service have left me accustomed to the expression of strong feelings by the public, even I was amazed by both the unanimity and passion of these letters and calls. There may indeed be two sides to every issue, but, if so, one has been decidedly silent on this matter.

As you can well imagine, I immediately protested this action to the Department of Agriculture and urged the Secretary to reconsider this ill-advised decision. Their initial reaction to my protests was negative. Bureaucracies being what they are, the desires of the local residents were either unknown or not heeded. I realized that a legislative solution would be necessary.

Consequently, we are here today to discuss the merits of S. 129. The legislation has the support of the entire New York Congressional delegation and has already passed the Full House of Representatives. In the Senate, I am most pleased to have my distinguished colleague, Senator Moynihan, who will testify shortly, as a cosponsor of this bill. I believe the merits of our case are obvious.

The Hector Land Use Area is the only United States Forest Service land parcel in the State of New York. Unlike many Western States which complain of the oppressive presence of a Federal Government that owns huge tracts of land, New York, as one of the original 13 Colonies and one of the most heavily developed areas in the world, has too little land preserved in its original state. Furthermore, the Hector Land Use Area is located in a portion of my State that is very much in need of the recreational opportunities it affords. Located in two counties, Seneca and Schuyler, the area provides residents of the City of Ithaca with

a convenient escape from urban life. Its campgrounds are used by nature enthusiasts from the entire Northeastern United States. Its riding trails are widely admired by horsemen.

In addition to these benefits, Hector provides Cornell and Syracuse Universities with a laboratory in which to study. Some of the most important research in forestry has been conducted on the grounds of this area. This is an academic resource which cannot be replaced. But recreation and research are not the only uses of the area. For many years, the land has provided grazing for farmers and significant amounts of timber. Both of these activities are vital to the local economy.

Finally, Mr. Chairman, the action that I urge upon my colleagues is one which would merely establish as law that which is already established as fact. Since 1957, the land has been managed under the Green Mountain National Forest. While certain technicalities are observed because the land was not originally acquired as a part of the National Forest system, it is in effect, treated as if it were any other portion of that system. I urge you to consider the question of equity and help me to protect the interests of New York State and its citizens. It is imperative that the State not be deprived of the sole Forest Service land now in the State.

I thank you, Mr. Chairman, for calling this hearing and for affording me the courtesy of allowing me to testify.

STATEMENT OF HON. DANIEL PATRICK MOYNIHAN
A U.S. SENATOR FROM NEW YORK

Mr. Chairman, it is indeed a pleasure to testify before your subcommittee this morning on H.R. 24, a bill to incorporate the Hector Land Utilization Project into the Green Mountain National Forest. I joined my colleague Mr. D'Amato in introducing a companion bill (S. 129) in the Senate on January 26, 1983.

Many years ago, the Federal Government purchased 80,000 acres in New York under the Federal Agricultural Adjustment Program. Much of this land was leased to the State; ultimately, most was granted to the State. The Hector Land Utilization Project, consisting of more than 100 farms in Seneca and Schuyler Counties, was not near State land and consequently remained in Federal ownership. In 1938 the Soil Conservation Service initiated a pilot program to demonstrate sound land use and management of the pasture, woodland, and wildlife resources on this 13,232-acre parcel. In 1954 the Hector Project was placed under the administration of the National Forest Service. Although Hector has retained its status as a land utilization project, it is administered as a ranger district of the Green Mountain National Forest. It is, I hasten to add, New York's only Federal forestland.

Mr. Chairman, because Hector has not been included in a National Forest or a National Grassland, the Secretary of Agri-

culture may have authority under the Bankhead-Jones Farm Tenant Act to sell the tract without Congressional approval. Indeed, on August 10, 1982, Department officials identified Hector as one of fifteen land utilization projects suitable for disposal under the Administration's Asset Management program. I join every other member of the New York delegation in opposing the sale of Hector. Hector should be retained by the Federal Government and it deserves to be included in the National Forest system.

Mr. Chairman, I suppose that some of the properties which the Department of Agriculture wishes to sell are truly "surplus". The Federal Government probably should not own small lots--fewer than 100 acres--that have little ecological, recreational, or economic value. But Hector is not such a property.

At present, nearly 5,000 acres of improved pasture provide grazing for 2,000 cattle owned by 75 members of a grazing association during a five-month season. Commercial timber stands cover approximately 6,100 acres. 400,000 board feet of timber are harvested annually for sawlogs, cabin logs, and firewood.

Hector provides close to 25,000 visitor days of recreation each year. People use the two campgrounds and 25 miles of trails for fishing, hunting, camping, picnicking, hiking, horseback riding, berry picking, snowmobiling, and ski touring. Nature groups, youth groups, and schools use the area for environmental education. Cornell University and Syracuse University use Hector for multiple academic purposes, including forestry research that has benefited forestland throughout the country.

Wildlife and habitat management programs have succeeded in providing vegetative diversity and abundant wildlife. Game species include white-tailed deer, turkey, grouse, and rabbit. Small mammals such as fox and muskrats populate the woodlots and ponds, as do a variety of ducks, geese, songbirds, and hawks. The area boasts 80 ponds, 27 of which are devoted entirely to providing wildlife habitats.

Hector, in short, is a model multiple-use area that yields multiple benefits. It has attained a degree of self-sufficiency that few Forest Service lands can match. Hector is not a liability that should be liquidated. It is a highly remunerative property, it is an asset to the Forest Service, and it is a treasure to the New Yorkers and other Americans who use the area for myriad purposes all year long.

Mr. Chairman, I might add that the Administration initially opposed our efforts to protect Hector, arguing that the ratio between management costs and receipts is too high to justify continued Federal ownership. This simply is not the case. Indeed, an Administration official--Mr. John Crowell, Assistant Secretary for Natural Resources and Environment at the Department of Agriculture--testified before the House Agriculture Committee that the cost/receipt ratio at other National Forest lands. Crowell went on to testify that the Department of Agriculture no longer opposes our bills.

Mr. Chairman, as I mentioned earlier, the entire New York delegation supports the House and Senate bills. The New York State Senate and Assembly have passed resolutions opposing the sale of the Hector Land Utilization Area. The Department of Agriculture has received 700 petitions containing 8,200 signatures protesting this sale. The American Forestry Association, the Wildlife Management Institute, the Wilderness Society, and the Sierra Club laud our efforts. H.R. 24 passed the House by voice vote on July 18. Quite honestly, I cannot think why anyone would oppose this measure.

In addition to the many tangible benefits that Hector provides, it provides an equally important intangible benefit: as the largest Federally owned property in New York, it provides an openness rare in the heavily developed and populated Northeast; Hector provides, in the words of Henry David Thoreau, "the tonic of wilderness". And Thoreau further observes that "we can never have enough of nature."

Mr. Chairman, I thank you for the opportunity to testify this morning, and I urge your positive consideration of this legislation.

STATEMENT OF HON. ERNEST F. HOLLINGS
A U.S. SENATOR FROM SOUTH CAROLINA

Mr. Chairman, I want to begin my testimony by thanking you and the other distinguished members of the Senate Agriculture Committee for taking the time and making the effort to schedule this hearing.

The particular legislation that I would like to address is S. 566, a bill that I introduced in the Senate on February 23, 1983. On May 10, 1983, Senator Thurmond joined me as a cosponsor of S. 566, and together we introduced a substitute amendment to the bill, Amendment No. 2132, on September 13, 1983.

The purpose of this bill is to provide a release of the reversionary interest the United States Government now holds with respect to a 1.99 acre plot of land located in Sumter County, South Carolina. This tract of land, which is currently part of South Carolina's Manchester State Forest, was previously owned by the United States and deeded to the State of South Carolina and the South Carolina Commission of Forestry in 1955. In the 1955 deed, a provision was included which stipulated that the State of South Carolina was to use the land for public purposes only and that any land not so used would revert back to the United States.

The South Carolina Commission of Forestry (the Commission) has jurisdiction over the land in the Manchester State Forest. Over two years ago, the Commission was approached by the Tiverton Baptist Church (the Church) about the possibility of obtaining the title to the property upon which the Church's actual structure is located. This property was determined to be the 1.99 acres of

land that is the subject of and fully described in Amendment No. 2132 to S. 566. The Commission approved the Church's request and, on the Church's behalf, asked me to introduce legislation which would legally permit the execution of the land transfer without triggering the *aforementioned* reversionary interest clause. This is the legislation before the Committee today.

S. 566 as amended is noncontroversial in nature and enjoys bipartisan support. Similar legislation to S. 566 has been introduced in the House, and H.R. 3148, and I would note that we would simply be providing the State of South Carolina the opportunity to dispose of the land parcel as it so desires.

Thank you for your consideration of this matter.

STATEMENT OF HON. FRANK HORTON
A U.S. REPRESENTATIVE FROM 29th DISTRICT OF NEW YORK

Mr. Chairman, I appreciate this opportunity to express my strong support for S. 129, a bill introduced by Senators D'Amato and Moynihan to incorporate the Hector Land Use Area into the Green Mountain National Forest. As the sponsor of identical legislation in the House, H.R. 24, and as the Member within whose District part of Hector lies, I want to express my sincere "thank you" to you and the other Members of this Subcommittee for your holding this hearing.

S. 129 enjoys the support of every Member of the New York Congressional Delegation, all of whom are cosponsors of this legislation. In addition, both the New York State Senate and Assembly passed resolutions in support of the bill. These were heartily endorsed by New York's Governor Mario Cuomo.

S. 129, and the House counterpart, H.R. 24, are also supported by the Sierra Club, the Wilderness Society, the National Forestry Association, the National Wildlife Federation, the Wildlife Management Institute and numerous sporting and wildlife organizations located within New York State.

Hector is a 13,252 acre land area in New York State's Finger Lakes Region. It is operated and maintained by the U.S. Forest Service—as it has been for more than 20 years—according to a multiple-use plan. Camping, fishing, cattle grazing, hunting, hiking and wildlife habitat are among the activities enjoyed by thousands of tourists each year. In addition to its present recreational value, Hector holds great promise for the future and growing needs of residents in the upstate area, across the State and in the Northeast generally.

Hector is the only U.S. Forest Service presence within New York State. Obviously, passage and enactment of S. 129 would make it the only U.S. Forest land in the State. And, enactment of this legislation is important; it is important so that Hector is protected from administrative sale without congressional

approval. Such a sale was contemplated by the Department of Agriculture as part of its assessment of lands considered "excess" to the Department's needs.

Hector is not a net revenue producing piece of property for the Federal Government, nor has it ever been so. It is--as all Forest Service lands are--recreational and environmental acreage that is enjoyed by thousands of U.S. citizens each year. Protected forestlands are a privilege and a priority enjoyed by generations of Americans, and I hope the particular privilege and priority that has existed in New York State will continue to be enjoyed for generations to come.

The U.S. Forest Service has done an outstanding job preserving and improving the property over the past twenty years. We in New York want that management continued and guaranteed.

If Forest Service control is to be removed, we want the Congress to have responsibility to remove it. Of course, that is the reason this legislation was introduced. If declared part of a National Forest, Hector cannot be sold without the approval of both the House and Senate. That is the only change that would occur with enactment of this bill.

Mr. Chairman, as you know, the counterpart to this bill, H.R. 24, was unanimously reported from the House Agriculture Committee this past June. On July 18, it passed the House by voice vote with no objections. It is, I believe, a rare occasion that Congress can provide such widespread agreement on a public lands bill. As I stated, I certainly appreciate your holding this hearing, and I hope you and the other Members of the Subcommittee will give S. 129 positive consideration. Also, I want to express my appreciation to Senators D'Amato and Moynihan for introducing S. 129 and for working so hard for its passage.

STATEMENT OF HON. STAN LUNDINE
A U.S. REPRESENTATIVE FROM 34th DISTRICT OF NEW YORK

Mr. Chairman and Members of the Subcommittee, I wish to express support for S. 129, which has been introduced by my New York Senate colleagues, Senators Alfonse D'Amato and Daniel P. Moynihan. I appreciate the willingness of the Subcommittee to consider this legislation.

S. 129 seeks to incorporate within the Green Mountain National Forest more than 13,000 acres of federally-owned land located in Schuyler and Seneca Counties in central New York State. More than 9,000 of these acres are located in the Congressional District which I represent. This tract of land, known as the Hector Land Use Area, was acquired by the federal government in 1938 under the Bankhead-Jones Farm Tenant Act. The land has been managed by the Forest Service since 1954 and has been administered in association with the Green Mountain National Forest since 1957.

I joined with Rep. Frank Horton in sponsoring an identical bill in the House of Representatives (H.R. 24) to incorporate the Hector Land Use Area within the Green Mountain National Forest in order to provide it the protections accorded federal National Forest properties. In particular, we have sought to extend to Hector the requirement that it cannot be sold by the federal government, nor its status changed, without the specific approval of Congress.

Our legislation responds to a decision by the U.S. Department of Agriculture to sell the Hector Land Use Area under authority granted by the Bankhead-Jones Act. Last October, the Department announced it was conducting a review of some 140 million acres of Forest Service land for possible identification as "surplus" property. Excluded from this review, however, was more than 60,000 acres of public-owned land, including the 13,259 acre Hector tract. Although no formal assessment had been completed by the Department, Hector was announced to be "excess" to Forest Service needs and subject to sale without review by Congress.

As excess, non-National Forest property, all that is required by the Agriculture Department to facilitate the sale of the Hector Area is a public hearing and an environmental assessment of the effect of the sale. Public hearings were conducted in the vicinity of Hector late last year and an assessment has been completed. According to USDA, the Hector Area could be put up for sale at any time.

Fortunately, a government effort to sell the Hector Land Use Area now appears unlikely. Confronted with the unanimous opposition of the New York Congressional delegation, as well as strong opposition from local, state and national organizations, the Agriculture Department has agreed not to press for sale of the Hector tract. During hearings last month before the Forestry Subcommittee, Assistant Secretary John Crowell announced USDA's decision not to oppose H.R. 24 and to institute changes to improve the revenue potential of the Hector Area.

I applaud the Administration's willingness to drop its opposition to this legislation and am pleased with the belated recognition by the Agriculture Department that there may indeed be greater value in continued public management of the Hector Land Use Area than in any short-term gain from its sale.

There are important reasons why the Hector Area should receive the protection of formal incorporation within the National Forest System. Hector is the only National Forest Service property in the State of New York and the largest parcel of public land in the central part of the State. It is one of the few areas in the Northeast that is managed by the government as a multiple-use area. Hector is a model of balanced land management, offering a wide variety of recreational, commercial, wilderness and educational resources.

The Hector Area contains nearly 7,000 acres of commercial forest land, with more than 1,700 acres of forest used for wildlife management. It produces more than 200,000 board feet of

lumber annually and accomodates a sizeable commercial fuelwood market. Grazing is permitted on more than 4,600 acres of grazing land. A 100-member local grazing association leases Hector's thirty-three pastures and thirty corrals and assumes major responsibility for maintaining and improving the land.

In addition to providing resources that help support the local economy, the Hector Area offers extensive opportunities for outdoor public recreation. Hector is managed with the intent of maintaining a wilderness environment while providing enough facilities to accomodate a variety of recreational needs. Hector's 25 miles of hiking trails are part of the national Appalachian Trail system and New York's Finger Lake Trail system. Trails or facilities are also provided for horseback riding, snowmobiling, crosscountry skiing and camping. Hunting, fishing and wild berry gathering constitute other activities enjoyed by local residents.

Hector also provides a managed habitat for a wide variety of wildlife and vegetation and is maintained with the intent of preserving this natural diversity. The Area has become a focal point for environmental and conservation research and education, as well as a natural laboratory for wildlife management and agricultural research programs conducted by the Forest Service, Cornell University and other local colleges.

Support for preserving the Hector Land Use Area by incorporating it within the Green Mountain National Forest is almost universal in New York State. As I noted earlier, S. 129 has the unique distinction of being cosponsored and supported by the entire New York State Congressional delegation. Resolutions of support have been adopted by the New York State Senate and Assembly and by virtually every community and county in the vicinity of the Hector area. S. 129 also enjoys the support of such national organizations as the Sierra Club, the Wildlife Management Institute, the Wilderness Society, the National Wildlife Federation and the American Forestry Association.

The federal government's original purpose in obtaining the Hector tract was for reclamation and the demonstration of sound land management. The Forest Service has clearly succeeded in this effort, creating a multiple-use area that yields numerous benefits for local residents and thousands of visitors each year. The Hector Area is a valuable asset to the people of New York and a model of good land stewardship. It should be viewed as a credit to the Forest Service rather than a liability to be put up for liquidation.

Mr. Chairman, I do not think the public good could be better served by the Hector tract than it is under the current multiple-use management of the Forest Service. I strongly believe the Hector Land Use Area should be incorporated in the Green Mountain National Forest and preserved for the benefit and enjoyment of future generations.

The Houe of Representatives has already approved its version of this legislation. I urge the Subcommittee to favorably report S. 129 and permit similar action by the Senate.

STATEMENT OF
JOHN B. CROWELL, JR. ASSISTANT SECRETARY
FOR NATURAL RESOURCES AND ENVIRONMENT,
U.S. DEPARTMENT OF AGRICULTURE

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

We are pleased to join the Subcommittee in its deliberation of four bills that affect the programs and activities of the National Forest System. I will discuss each of the bills separately.

S. 129/H.R. 24--To Make the Hector Land Utilization Project, New York, a Part of the Green Mountain National Forest.

S. 129 and H.R. 24, as introduced, were identical bills to place the Hector Land Utilization Area in Seneca and Schuyler Counties, New York, within the boundaries of the Green Mountain National Forest, thus making it a part of the National Forest System. H.R. 24, as passed by the House July 18, was amended to insure that receipts paid to the State resulting from activities on the area would not be diminished as a result of passage of the bill. A second amendment adopted by the House requires that National Forest System status would apply to any lands acquired by the United States and added to the Hector Unit. We have no objection to the House amendments if revenues can be substantially increased to help close the gap between management costs and receipts.

We want to bring to the Subcommittee's attention our concern about the gap between receipts generated by the Hector Unit and its costs of management. We strongly urge the Subcommittee to adopt an amendment to the bill that would allow us to charge fees for recreation uses permitted in the unit that are commensurate with value of the uses provided and the costs of providing such use, which would reduce the drain on the Treasury of the United States which this Land Utilization Project now causes.

The Hector Land Utilization Project contains only 13,232 acres and represents the only lands in the State of New York administered by the Forest Service. It is approximately 300 miles removed from the Green Mountain National Forest into which this legislation would incorporate the area. The Hector Project was one of many initiated in the 1930's as a part of the Federal Agricultural Adjustment Program under the authorities of the National Recovery Act, the Emergency Relief Act, and the Bankhead-Jones Farm Tenant Act. The Secretary of Agriculture was directed and authorized to develop a program of conservation and utilization,

including the retirement from cultivation of lands which were submarginal or which were not primarily suitable for cultivation.

Approximately 80,000 acres in New York were purchased under this program by the Federal Government. Many of these lands were subsequently leased to the State; ultimately, most were granted to the State. The Hector Project, consisting of more than 100 farms, was not near State land as were many of the other areas, and thus it has remained in Federal ownership. In 1938, the Soil Conservation Service initiated a pilot program to demonstrate sound land use and management of the pasture, woodland and wildlife resources on the project lands. One result of this was the formation of the Hector Grazing Association in 1946 to facilitate the use of the forage resource.

In 1954, the Hector Project was placed under the administration of the Forest Service. The area has ever since been managed by the Green Mountain National Forest under the multiple-use concept. Although the Hector Area retains its legal status as a land utilization project, it is administered as a Ranger District of the Green Mountain National Forest; the headquarters for which is in Rutland, Vermont.

The District Ranger's office is at Montour Falls, New York. The District staff consists of the District Ranger and four other employees. The project, at 13,232 acres, is an unusually small Ranger District. The average District in the Forest Service's Eastern Region is more than 130,000 acres. This small size significantly increases the management costs per acre.

The Hector unit was identified in the Asset Management Program as part of about 46,000 acres of remaining land utilization projects managed by the Forest Service. There are 15 such tracts in 11 States which have not been included in a National Forest or National Grassland. In November of 1982, we announced that studies would be made of the Hector and one other unit to determine whether or not they were good candidates for sale.

A series of three public meetings was held in the fall of 1982 at locations near the Hector unit. A total of 520 written and oral public comments plus 7 petitions with more than 8,200 signatures were received. These comments overwhelmingly opposed the sale of the Hector Land Utilization Project. Concerns included the

possible loss of public benefits such as outdoor recreation, wildlife habitat, grazing, firewood, and environmental education. Proponents of retention argued that the area supports tourism and the local economy, the area attracts people to visit or move to the region, the area is valued for environmental education and for demonstration purposes, and that the area is one of the larger holdings of public land in the State.

The final decision as to whether to recommend sale of the Hector unit was to be made not just on public input, but on overall policy, economic, and equity considerations. Our review of the preliminary resource, economic and social data collected for the area points out some important considerations.

It appears that most of the use of the Hector unit is by local residents with some use by other State residents, but with very little use by people from outside of New York. This raises the question of why Federal ownership is necessary for land that serves primarily local residents. This question deserves careful evaluation.

It also appeared that the Hector unit was a burden to the general taxpayer. In 1982, the budget for managing the unit was more than \$185,000 while receipts were less than \$25,000. When costs exceed returns by this margin, we must carefully look at whether this is the best way to manage and use these lands.

We believe the Congress ought to be concerned about the difference between receipts and cost of management for the Hector Unit. We know that part of this gap can be closed by making efforts to reduce costs and improve management efficiency. In fact, I have personally directed that this be done. For example, in 1983 the Forest Service is collecting only \$.55 per animal month for grazing. We expect to adjust fees under existing authorities more closely to reflect fair market value of the grazing resource. This could provide enhanced receipts of an estimated \$26,600.

A second area which deserves serious consideration is the need for the Forest Service to be able to charge reasonable fees for recreation use of the area. There are more than 25,000 visitor days of recreation use each year. The only fees collected are from overnight campers using the family campground and at a group campground. These fees currently are approximately \$700 annually. We believe it is entirely proper and equitable for all recreation users to pay

reasonable admission and/or use fees for recreational opportunities provided on this area.

Thus, we urge this Committee to consider an amendment that would provide for charging proper fees for recreational uses of the Hector unit. We believe that with proper fees, coupled with improved management and efficiency, we should be able to make the Hector unit more nearly break even from a cost and receipts standpoint. A suggested form for such an amendment is attached to this statement.

S.566--Conveying a reversionary interest in land to the South Carolina Commission of Forestry.

S. 566 deals with 1.99 acres of land which are now part of the Manchester State Forest in South Carolina. The bill directs the Secretary of Agriculture to release a reversionary interest held by the United States in the land and directs the Secretary of the Interior to convey the reserved mineral interests in the lands. Further, as a condition of directing the Secretaries so to act, the State would be required to convey the 1.99 acres to the Tiverton Baptist Church of Sumter, South Carolina.

The Department of Agriculture has no objection to the release of the reversionary interest; we defer to the Department of the Interior concerning disposal of the mineral interests.

The 1.99 acres in question are part of the Land Utilization Project (SC-LU-5) known as the Poinsett Project. The Federal Government acquired this land under the authority of Title III of the Bankhead-Jones Farm Tenant Act of 1937. Through a Cooperative and License Agreement between the United States and the State of South Carolina signed in 1939, the State Commission of Forestry gained use of the land and established the Manchester State Forest. This land, totaling 28,718.59 acres, was subsequently granted to the State by a deed signed June 28, 1955, for the sum of \$1. The United States retained an undivided three-fourths interest in all coal, oil, gas, and other minerals not outstanding of record. The conveyance was also made subject to a reverter clause providing that if the land ceased to be used for public purposes it should revert to the United States.

Apparently, the Tiverton Baptist Church existed on the 1.99-acre tract before the

United States acquired any of the property, the church having been given permission to use the land by a previous private owner. The occupancy continued after the 1955 grant to the State. We understand that the State supports this legislation and will donate the 1.99-acre tract to the church. Because of the State's support and because the bill would clear up a long-standing "innocent" encroachment, we have no objection to its enactment.

S. 1503--Conveying a reversionary interest in certain lands to the State of Delaware.

S. 1503 would direct the Secretary of Agriculture to release a reversionary interest in about 6.21 acres of land located in Sussex County, Delaware, which was conveyed by grant to the State of Delaware by the Secretary of Agriculture in September 1954. The release would be contingent upon certification by the State to the Secretary of Agriculture that a tract of at least 6.21 acres of similar character has been dedicated to public purposes.

The tract of land identified in S. 1503 is part of a 1,550-acre tract conveyed to the State under authority of Section 32(c), Title III of the Bankhead-Jones Farm Tenant Act of 1937 for the purpose of establishing the Assawoman Wildlife Area. The area is located on the coast south of Bethany Beach and adjoins Assawoman Bay. The conveyance was subject to the condition that the land be used for public purposes with a provision for reversion to the United States if the condition was violated.

The 6.21 acres represent an encroachment by an adjoining private subdivision onto the State land. The encroachment results from an October 1953 private survey for the Bayview Park Subdivision--the plat for which was recorded in 1961. There are 39 separate lots involved of which a majority are reported to be improved with dwellings. The encroachment became apparent as a result of a comprehensive survey of public lands along the Atlantic Coast in Delaware and Maryland. The resulting plat of survey filed in the Sussex County Office of the Recorder of Deeds creates a cloud on the titles of the Bayview Park lot owners.

Because the bill would resolve this encroachment problem and we understand the State will acquire 8 acres of similar lands and will dedicate them to public purposes to offset the loss of the 6.21 acres, we have no objection to the release of the reverter provision.

Mr. Chairman, that concludes my prepared statement. I will be happy to respond to questions.

USDA
SUPPLEMENTAL STATEMENT
H.R. 24/S. 129

Recommended Amendment:

Add a section 2 to the bill as follows:

"SEC. 2(a) Notwithstanding any other provision of law, the Secretary of Agriculture is hereby authorized to charge reasonable fees for the recreation use of the Hector Unit of the Green Mountain National Forest.

(b) All recreation fees which are collected shall be covered into a special account in the Treasury of the United States and available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the unit from which the fees were collected."

STATEMENT OF JUNE D. MACARTOR, DEPUTY ATTORNEY GENERAL, STATE OF
DELAWARE

My name is June D. MacArtor, Delaware Deputy Attorney General in Charge of the Environmental Group. S-1503, releasing a federally imposed reversionary clause on approximately 6.21 acres of land, is of importance to the State of Delaware and I wanted to outline for you the problem and need for the legislation.

In 1937, the U.S. Government filed a condemnation action for a 104 acre parcel of land for purposes of the Delaware State Demonstration Forest Project under the jurisdiction of the Department of Agriculture. This land was not needed for that purpose and in 1954 was transferred to Delaware as part of the approximately 1500 Acre Assawoman Wildlife Area with a clause stating that if it ceased to be used for public purposes, the land would revert to the Federal Government.

A 6.21 acre piece of land which had accreted to the 104 acre parcel was developed into 39 lots by a developer who is now deceased.

When the State realized, through a 1977 public lands survey that this was an encroachment on land which, under the land law of accretion, actually was State land, it also realized that innocent purchasers were in possession of the 39 lots. Some of these owners had title insurance and some did not. An equitable solution to the problem was sought by my office, the Delaware Governor's Office, and the U.S. Department of Agriculture with the Congressional Delegation and the local representatives and residents.

The selected solution was for the widow of the developer to transfer an 8.0311 acre parcel to the State to replace the encroachment. This was done by deed of March 1, 1983, recorded at Book 1106, Page 3, in the Office of the Recorder of Deeds for Sussex County, Delaware. This transfer is contingent on the passage of federal legislation releasing the reversionary clause. Since the State will thereby be made whole, the present holders of the 39 lots can have their titles cleared by the State.

When the federal legislation is passed, a confirmatory deed will be executed by the widow of the developer confirming that the legislation has been passed, and including a clause stating that the land will pass to the federal government if the property is not used for public purposes.

The confirmatory deeds to the 39 lot owners will be executed by the Governor and Secretary of State of Delaware, and will refer to the federal legislation releasing the reversionary clause to the federal government as it pertains to each of those 39 lots.

STATE OF DELAWARE,
OFFICE OF THE GOVERNOR,
July 28, 1983.

Re S-1503.

Hon. JESSE HELMS,
*Chairman, Senate Committee on Agriculture, Nutrition and Forestry, Senate Dirksen
Office Building, Washington, D.C.*

DEAR SENATOR HELMS: The above bill releasing a federally imposed reversionary clause on approximately 6.21 acres of land is of importance to the State of Delaware and I wanted to outline for you the problem and need for the legislation.

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legislation releasing the reversionary clause. Since the State will thereby be made whole, the present holders of the 39 lots can have their titles cleared by the State.

Both Delaware Senators are sponsoring this legislation and the Delaware Congressman is prepared to shepherd passage in the House. The entire matter was discussed with officials of the Department of Agriculture in 1979 and the procedure was acceptable to them. It has been discussed with everyone known to me to be involved and no opposition has been expressed. Secretary John E. Wilson, III, of the Delaware Department of Natural Resources and Environmental Control, is knowledgeable in this area and could answer any further questions that you might have.

Let me express my appreciation for your efforts in clearing up this long-standing problem for Delaware.

Sincerely,

PIERRE S. DUPONT, Governor.

STATEMENT OF REXFORD A. RESLER, EXECUTIVE VICE PRESIDENT, AMERICAN FORESTRY ASSOCIATION

Mr. Chairman, my name is Rexford A. Resler. I am Executive Vice President of the American Forestry Association, one of the nation's oldest citizens' conservation organizations dedicated to the promotion and wise use of the nation's forests and other renewable resources.

I appreciate the opportunity to testify before you today on Senate Bill 129 which would make the Hector Land Utilization Area in Lodi, New York a part of the National Forest System under the administrative jurisdiction of the Green Mountain National Forest in Vermont. In so doing, this bill would also make any proposals for the sale of this land subject to Congressional approval.

As part of a plan to rid the federal government of surplus property in an attempt to raise revenue, to allow for higher valued use of surplus federal land under private ownership, and to improve management of the remaining federal estate, the Secretary of Agriculture has identified 60,000 acres of National Forest System land that may be sold under existing authority. Included in this inventory of expendable acreage are the "Land Utilization Projects—once-abused and farmed-out lands acquired to demonstrate how such lands may be rehabilitated. The Hector Land Use Area in New York serves as a successful demonstration model of these management techniques.

While there is merit to the basic idea of selling or otherwise conveying surplus federal property to the private sector or to other public institutions, I hope the Congress will intervene to protect the Hector area and the other LU projects in California, Colorado, Georgia, as well as other states, by restricting the Secretary's authority to dispose of such lands. These lands were purchased with public money and now serve valuable public purposes. Because some of them are isolated from the main body of a National Forest does not make them unmanageable or surplus to the agencies' mission. In the case of the Hector LU Project, we have an outstanding example of what man, nature and time can accomplish. I doubt that the people of New York State will agree that this property should be sold.

Hector's 13,232 acres and 80 ponds provide valuable recreation opportunities to over 12 million people who live within 50 miles of its borders. In 1981, citizens logged 23,000 visitor days, with the actual number of visitors totaling many more.

Hector is the only U.S. Forest Service management area in the state of New York. Set up in the 1930's as a demonstration area for conservation and integrated management techniques, Hector is one of the few such areas in operation today. Currently, the area provides hands-on educational experience for students in numerous colleges and outdoor education programs as well as 400,000 board feet of saw timber and fuelwood annually. This timber harvest is expected to increase in value over the years as a direct result of the ongoing intensive management techniques being applied to the area. Additionally, grazing for 2,000 head of dairy cattle, an important component of the area's economic well being, is also supplied.

As an example of land management under the multiple use concept, the Hector Land Utilization Project stands out as a success story and model for other land managers to follow. The valuable benefits provided by Hector would undoubtedly be subject to alteration or elimination should the land be sold for private use.

Enactment of S. 129 will result in no additional expenditures of federal funds since the area is already being administered as a part of the Green Mountain National Forest and no land purchases are involved. The formalization of this arrangement will guarantee a continuing *balanced use* of this land for the public good in a region where national forestry and recreation land are limited.

In closing, I would like to thank Senators Moynihan and D'Amato for their role in sponsoring this Senate bill and encourage enactment of this legislation so that the visitors to this site can continue to enjoy the benefits of this important resource area and so that land managers everywhere can continue to look to such an outstanding example of sound land management and multiple use.

98TH CONGRESS
1ST SESSION

H. R. 24

IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JULY 18), 1983

Received; read twice and referred to the Committee on Agriculture, Nutrition,
and Forestry

AN ACT

To make certain land owned by the United States in the State
of New York part of the Green Mountain National Forest.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That all land owned by the United States within the Hector
4 Land Utilization project, an administrative unit of the Forest
5 Service located in Seneca and Schuyler Counties in the State
6 of New York, or hereafter acquired by the United States
7 for national forest purposes for inclusion therein, shall

1 be deemed to be part of the Green Mountain National Forest
2 and the national forest system and subject to the Weeks Act
3 of March 1, 1911 (16 U.S.C. 480, et seq.), and to all laws,
4 rules, and regulations applicable to national forest lands ac-
5 quired thereunder. Notwithstanding any other provision of
6 law, for the purposes of the Acts of May 23, 1908, and
7 March 1, 1911 (16 U.S.C. 500), the amount that is paid to
8 the State of New York as its share of moneys received from
9 such forest shall be based on the receipts from the lands in
10 such forest that are within the State of New York.

Passed the House of Representatives July 18, 1983.

Attest:

BENJAMIN J. GUTHRIE,

Clerk.

ADDITION TO THE GREEN MOUNTAIN NATIONAL FOREST

JULY 14, 1983.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

MR. DE LA GARZA, from the Committee on Agriculture,
submitted the following

REPORT

[To accompany H.R. 24]

[Including Congressional Budget Office cost estimate]

The Committee on Agriculture, to whom was referred the bill (H.R. 24) to make certain land owned by the United States in the State of New York part of the Green Mountain National Forest, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, line 3, strike out all after the enacting clause and insert in lieu thereof the following:

That all land owned by the United States within the Hector Land Utilization Project, an administrative unit of the Forest Service located in Seneca and Schuyler Counties in the State of New York, or hereafter acquired by the United States for national forest purposes for inclusion therein, shall be deemed to be part of the Green Mountain National Forest and the national forest system and subject to the Weeks Act of March 1, 1911 (16 U.S.C. 480, et seq.) and to all laws, rules, and regulations applicable to national forest lands acquired thereunder. Notwithstanding any other provision of law, for the purposes of the Acts of May 23, 1908, and March 1, 1911 (16 U.S.C. 500), the amount that is paid to the State of New York as its share of moneys received from such forest shall be based on the receipts from the lands in such forest that are within the State of New York.

BRIEF EXPLANATION

H.R. 24, as ordered reported by the Committee on Agriculture, would—

1. Make all land owned by the United States within the Hector Land Utilization Project, State of New York, or hereafter acquired therein by the United States for forestry purposes, part of the Green Mountain National Forest.

2. For purposes of the statutes making 25 percent of the receipts from national forests available to States within which the forests are located, require that the share of the State of New York from receipts from the Green Mountain National Forest be based upon receipts from the lands of that forest located in New York.

PURPOSE AND NEED FOR THE LEGISLATION

H.R. 24, as reported by the Committee on Agriculture, would incorporate the Hector Land Utilization Project, located in the State of New York, into the Green Mountain National Forest.

The Hector Project is a 13,232 acre administrative unit of the United States Forest Service located in upstate New York. It is presently administered out of the Green Mountain National Forest, which is located in the State of Vermont, but the Hector Project lacks the official status of inclusion within a National Forest. Once given National Forest designation, any planned sale of the Hector Project would require Congressional approval.

This bill was introduced by members of the New York Congressional delegation after the Hector Project was identified by the Department of Agriculture as land qualifying for sale under existing authority, and would be studied for sale at some future date.

The Hector Project, located in Schuyler and Seneca Counties, is the only land in the State of New York administered by the Forest Service. The Hector Project was one of many initiated in the 1930s as a part of the Federal Agricultural Adjustment Program under the authorities of the National Recovery Act, the Emergency Relief Act, and the Bankhead-Jones Farm Tenant Act. The Secretary of Agriculture was directed to develop a program of conservation and utilization, including the retirement of lands which were submarginal or not primarily suitable for cultivation.

Approximately 80,000 acres in New York were purchased under this program by the Federal Government. Many of these lands were leased to the State and ultimately most were granted to the State. The Hector Project, consisting of more than 100 farms, was not near State land, as many of the other areas were, and it remained in Federal ownership. In 1938 the Soil Conservation Service initiated a pilot program to demonstrate sound land use and management of the pasture, woodland and wildlife resources. One result was the formation of the Hector Grazing Association in 1946 to facilitate the use of the forage resource. In 1954 the Hector Project was placed under the administration of the Forest Service. The area is now managed through the Green Mountain National Forest under the multiple-use concept.

Commercial timber stands cover approximately 6,100 acres, or 46 percent of the area. Timber has been harvested for sawlogs, cabin logs, and firewood. Approximately 400,000 board feet of timber are harvested annually.

Approximately 4,800 acres of the Project are fenced into pastures for cattle grazing. Approximately 2,000 cattle owned by about 75 members of the grazing association graze for a five-month season. Fences, corrals and watering ponds have been installed to facilitate grazing.

About 25,000 visitor days of recreation use occur each year in the Hector Project. This use includes hunting, fishing, camping, picnic-

ing, berry picking, hiking, horseback riding, snowmobiling and ski touring. There are two campgrounds, 25 miles of trail and 11 parking areas for recreational use in the Project. The area is also used extensively for environmental education and demonstration by colleges, universities, high schools, grade schools, and youth groups.

Wildlife habitat management is integrated with other uses of the area. Game species include white-tailed deer, rabbits, ruffed grouse, squirrels, and turkey. There are also small mammals such as chipmunk, muskrat, and fox and a variety of ducks, geese, songbirds, and hawks. Of the 80 ponds located in the area, 27 are devoted entirely to wildlife.

Although the Hector Project retains its status as a land utilization project, it is administered as a ranger district of the Green Mountain National Forest, which has a Forest Supervisor headquartered in Rutland, Vermont, approximately 300 miles away.

The Hector Project was identified in the so-called Asset Management Program as part of about 46,000 acres of remaining land utilization projects managed by the Forest Service. There are 15 tracts in 11 States which have not been included in a National Forest or National Grassland. In November of 1982, the Department of Agriculture announced that studies would be made of the Hector Project and one other unit to determine the potential impacts of selling them.

A series of three public meetings was held in the fall of 1982 at locations near the Hector unit. A total of 520 written and oral public comments plus 7 petitions with more than 8,200 signatures were received. These comments overwhelmingly opposed the sale of the Hector Land Utilization Project. Concerns included the loss of public benefits such as outdoor recreation, wildlife habitat, grazing, firewood and environmental education. In addition, proponents of Federal retention argued that the area supports tourism and the local economy, attracts people to visit or move to the region, has a high value for environmental education and demonstration purposes, and is one of the largest areas of public land in the State.

The special circumstances that pertain to the Hector Project combine to make it a particularly suitable addition to the National Forest System.

SECTION-BY-SECTION ANALYSIS

H.R. 24, as amended by the Committee on Agriculture, provides that all land owned by the United States within the Hector Land Utilization Project, an administrative unit of the Forest Service located in Seneca and Schuyler Counties in the State of New York, or hereafter acquired by the United States for national forest purposes for inclusion therein, shall be deemed to be part of the Green Mountain National Forest and the national forest system and subject to the Weeks Act of March 1, 1911, and to all laws, rules, and regulations applicable to national forest lands acquired thereunder. It also provides that, notwithstanding any other provision of law, for the purposes of the Acts of May 23, 1908, and March 1, 1911, the amount that is paid to the State of New York as its share of moneys received from such forest shall be based on the receipts from the lands in such forest that are within the State of New York.

COMMITTEE CONSIDERATION

A. Hearings

On June 23, 1983, the Subcommittee on Forests, Family Farms, and Energy held a public hearing on H.R. 24, a bill "to make certain U.S.-owned land in the State of New York part of the Green Mountain National Forest."

Chairman Whitley explained that the Hector Land Use Area is a 13,232 acre administrative unit of the Forest Service. Purchased under authority of the Bankhead-Jones Tenant Act of 1937, Hector now has a variety of uses, including recreation and grazing. H.R. 24 would make the Hector unit part of the Green Mountain National Forest. As such, it could not be sold without Congressional authorization. The Forest Service has used the Green Mountain Office to administer the Hector for the past 26 years.

Congressmen Horton and Lundine, who represent affected Congressional districts in the State of New York, and are the original cosponsors of the bill, stressed the need to remove the uncertainty that surrounds the status of Hector. They also testified that a broad range of support has been expressed for making the Hector part of the National Forest; the entire New York Congressional delegation has joined in cosponsoring the bill, the New York State Assembly voted to oppose the sale of the Hector, and a multitude of individuals and interest groups have written to support H.R. 24. Both members emphasized the great value of the Hector as a multiple-use area. Thousands of people visit Hector each year to enjoy camping, hiking, hunting, fishing and cross-country skiing. The Hector is also used to a limited extent for commercial grazing and timber harvesting.

The next witness to testify was John B. Crowell, Jr., Assistant Secretary for Natural Resources and Environment, U.S. Department of Agriculture. Secretary Crowell testified that the Department of Agriculture did not object to the bill, but would like authority to close the gap between management costs and receipts. However, Mr. Crowell agreed with Chairman Whitley that the Hector costs were not out of line with the ordinary cost/receipt ratio of other National Forest System lands.

Testifying for the American Forestry Association, Mr. Henry W. DeBruin stated that H.R. 24 would formalize the current system of administration of Hector, and "guarantee a continuing balanced use of this land (for the public good) in a region where national forestry and recreation lands are limited."

The last two individuals to testify were Donald R. Barber, representing the Atlantic Chapter of the National Sierra Club, and Roxanne Bishop. They are local citizens who are familiar with the Hector from use of the area's recreational benefits. Both individuals stressed the importance of keeping the Hector in Federal control, so that it can be enjoyed by citizens within and outside of New York.

B. Subcommittee Markup

The Subcommittee on Forests, Family Farms, and Energy held a business meeting on June 23, 1983, to consider H.R. 24. The bill, as

introduced, made all land owned by the United States within the Hector Land Utilization Project, State of New York, part of the Green Mountain National Forest.

Mr. Huckaby then offered an amendment, in the nature of a substitute, which added to H.R. 24 provisions that would—

(a) require any additional land acquired in the unit to be treated as part of the Green Mountain National Forest; and

(b) require that New York's share of receipts from the National Forest be based upon receipts from the lands in the forest located in New York. Current law providing that 25 percent of the receipts from the forest be divided between the States in which the forest is located in proportion to the acreage of the forest located in each State would result in a reduction of the proceeds currently received by New York from the Hector unit. The amendment is designed to insure that New York's share of the receipts is not diminished.

The Huckaby amendment was agreed to by voice vote.

Mr. Huckaby then moved that H.R. 24, as amended, be reported to the full Committee with a recommendation that it do pass. In the presence of a quorum the Subcommittee, by voice vote, agreed to the motion.

C. Full Committee Markup

The full Committee met on June 29, 1983, for consideration of several pending matters, including H.R. 24. The Chairman, Mr. de la Garza, recognized Mr. Whitley, who reported on the hearings and gave a brief explanation of H.R. 24, as reported by the Subcommittee. After a brief statement in support of the bill by Mr. Jeffords, the Committee agreed by voice vote, in the presence of a quorum, to report the bill to the House with a recommendation that it do pass.

ADMINISTRATION POSITION

At the hearing held on H.R. 24 by the Subcommittee on Forests, Family Farms, and Energy, John B. Crowell, Jr., Assistant Secretary of Agriculture for Natural Resources and Environment, testified that the Department of Agriculture did not object to the bill. At the time of filing of this report, no written views of the Administration on H.R. 24, as ordered reported, have been received by the Committee on Agriculture.

BUDGET ACT COMPLIANCE (SECTION 308 AND SECTION 403)

The provisions of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 (relating to estimates of new budget authority or new or increased tax expenditures) are not considered applicable. The estimate and comparison prepared by the Director of the Congressional Budget Office under clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974 submitted to the Committee prior to the filing of this report are as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., July 8, 1983.

HON. E DE LA GARZA,
Chairman, Committee on Agriculture,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 24, a bill to make certain land owned by the United States in the State of New York part of the Green Mountain National Forest, as ordered reported by the House Committee on Agriculture, June 29, 1983.

This bill adds certain federally owned land in the State of New York to the Green Mountain National Forest. It also provides that the amount of federal timber receipts from these lands paid to the State of New York will continue to be based on current practices. As a result, it is expected that no additional cost to federal, state or local governments would be incurred as a result of enactment of this bill.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

NANCY M. GORDON
(for Alice M. Rivlin, Director).

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that enactment of H.R. 24, as amended, will have no inflationary impact on the national economy.

OVERSIGHT STATEMENT

No summary of oversight findings and recommendations made by the Committee on Government Operations under clause 2(b)(2) of rule X of the Rules of the House of Representatives was available to the Committee with reference to the subject matter specifically addressed by H.R. 24, as amended.

No specific oversight activities other than the hearings detailed in this report were conducted by the Committee within the definition of clause 2(b)(1) of rule X of the Rules of the House of Representatives.

STAFF EXPLANATION OF H.R. 24 (S. 129)

H.R. 24 provides that all land owned by the United States within the Hector Land Utilization project, which is located in Seneca and Schuyler Counties in the State of New York, and all land that may hereafter be acquired by the United States for national forest purposes for inclusion in the project, shall be deemed to be part of the Green Mountain National Forest and the national forest system. The bill provides that such land would also be subject to the Weeks Act of March 1, 1911 (16 U.S.C. 480 et seq.) and to all laws, rules, and regulations applicable to national forest lands acquired under that Act.

The Hector Land Utilization project consists of 13,232 acres. It was acquired by the Federal Government under farm relief legislation of the 1930's, including the Bankhead-Jones Farm Tenant Act. The project has been administered by the Forest Service out of the Green Mountain National Forest, although it is not currently included in any national forest. The Department of Agriculture in 1982 announced that the land in the Hector project was being studied for possible sale under existing authorities. The practical effect of designating the Hector project as part of the national forest is that the land could not then be sold without Congressional approval.

H.R. 24 also provides that for the purposes of the Acts of May 23, 1908 and March 1, 1911 (16 U.S.C. 500) (providing for payment of 25 percent of the receipts from each national forest to the State in which the forest is located), the amount that is paid to the State of New York as its share of moneys received from the Green Mountain National Forest will be based on the receipts from the lands in such forest that are within the State of New York. Under current law, when a national forest is in more than one State, the 25-percent share of the receipts from that forest is divided between the States in which the forest is located in proportion to the acreage of the forest located in each State. The effect of this provision of H.R. 24 will be to insure that New York's share of the receipts from the Hector project will not be diminished by reason of the inclusion of the land in a national forest that is predominately in the State of Vermont.

S. 129 differs from H.R. 24 in that S. 129 (1) does not require additional land acquired in the Hector project to be treated as part of the Green Mountain National Forest and (2) does not require that New York's share of receipts from the national forest be based upon receipts from the lands in the forest located in New York.

98TH CONGRESS
1ST SESSION

S. 129

To make certain land owned by the United States in the State of New York part of the Green Mountain National Forest.

IN THE SENATE OF THE UNITED STATES

JANUARY 26 (legislative day, JANUARY 25), 1983

Mr. D'AMATO (for himself and Mr. MOYNIHAN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To make certain land owned by the United States in the State of New York part of the Green Mountain National Forest.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That all land owned by the United States within the Hector
4 Land Utilization Area, an administrative unit of the Forest
5 Service located in Seneca and Schuyler Counties in the State
6 of New York, shall be deemed to be part of, and subject to all
7 laws, rules, and regulations applicable to, the Green Moun-
8 tain National Forest and the National Forest System.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 20, 1983.

Hon. JESSE HELMS,
*Chairman, Committee on Agriculture, Nutrition, and Forestry,
U.S. Senate,
Washington, D.C.*

DEAR MR. CHAIRMAN: As you requested, here is our report on S. 129, a bill "To make certain land owned by the United States in the State of New York part of the Green Mountain National Forest."

The Department of Agriculture recommends that S. 129 not be enacted.

The bill would make all lands owned by the United States within the Hector Land Utilization Project in Seneca and Schuyler Counties in the State of New York a part of the Green Mountain National Forest. The bill would cause the area to be subject to all laws, rules, and regulations applicable to the Green Mountain National Forest and the National Forest System.

On August 10, 1982, we announced that about 60,000 acres of land administered by the Forest Service, including the 13,232-acre Hector Land Utilization Project, had been identified as qualifying for sale under existing authorities. On November 24, 1982, we announced that we would prepare environmental assessments to determine the potential impact of selling the Hector area and one other area.

The Forest Supervisor of the Green Mountain National Forest, who administers the Hector Land Utilization Project, has held several public meetings near the Hector area. The environmental assessment is being developed and will be undergoing final review in the next several weeks. When the environmental assessment is completed, we will have the information necessary to determine if the area should be sold or should be retained. At that time, we will be able to comment more fully on the bill. Should this bill be enacted at this time, it would preclude further consideration of the Hector area for sale under existing authorities. We recommend that the Committee not proceed with consideration of the bill until the results of the environmental assessment are available.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK, *Secretary.*

98TH CONGRESS
1ST SESSION

S. 566

To direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land conveyed to the South Carolina State Commission of Forestry, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to such Commission.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 1983

Mr. HOLLINGS introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land conveyed to the South Carolina State Commission of Forestry, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to such Commission.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, notwithstanding the provisions of subsection (c) of sec-
4 tion 32 of the Bankhead-Jones Farm Tenant Act, as
5 amended (7 U.S.C. 1011(c)), the Secretary of Agriculture is
6 authorized and directed to release, on behalf of the United

1 States, with respect to the following described land, the con-
2 dition contained in the deed dated June 28, 1955, between
3 the United States of America and the South Carolina State
4 Commission of Forestry, conveying, pursuant to such subsec-
5 tion, certain lands, of which such described land is a part, to
6 such Commission, which requires that the lands conveyed be
7 used for public purposes and revert back to the United States
8 should the land cease to be used for such purposes:

9 A tract of land situated in the Manchester State
10 Forest and consisting of approximately 1.99 acres,
11 being a portion of the nine hundred and eighty acre
12 tract (designated as the J. J. Geddings tract, number
13 103) conveyed by such deed dated June 28, 1955,
14 which is bound on the north, south, and west by the
15 South Carolina State Commission of Forestry and east
16 by an unpaved county public road known as the "Old
17 King's Highway".

18 SEC. 2. The Secretary of Agriculture shall release the
19 reversionary interest referred to in the first section of this
20 Act only with respect to land covered by and described in an
21 agreement or agreements entered into between the Secretary
22 and the South Carolina State Commission of Forestry in
23 which such State agency, in consideration of the release of
24 the reversionary interest in such land, agrees that the land
25 with respect to which the reversionary interest is released

1 will not be sold, leased, exchanged or otherwise disposed
2 of—

3 (1) except to the Tiverton Baptist Church of
4 Sumter, South Carolina; and

5 (2) unless the proceeds of such disposal are—

6 (A) deposited and held in an account open to
7 inspection by the Secretary of Agriculture, and

8 (B) used, if withdrawn from such account,
9 exclusively for public purposes.

10 SEC. 3. Upon application all the undivided mineral in-
11 terests of the United States in any parcel or tract of land
12 released pursuant to this Act from the reversionary interest
13 in such land shall be conveyed to the South Carolina Com-
14 mission of Forestry for the use and benefit of the Commission
15 by the Secretary of the Interior. In areas where the Secre-
16 tary of the Interior determines that there is no active mineral
17 development or leasing, and that the lands have no mineral
18 value, the mineral interests covered by a single application
19 shall be sold for a consideration of \$1. In other areas, the
20 mineral interests shall be sold at the fair market value thereof
21 as determined by the Secretary of the Interior after taking
22 into consideration such appraisals as he deems necessary or
23 appropriate.

24 SEC. 4. Each application made under the provisions of
25 section 3 of this Act shall be accompanied by a nonrefundable

1 deposit to be applied to the administrative costs as fixed by
2 the Secretary of the Interior. If the conveyance is made, the
3 applicant shall pay to the Secretary of the Interior the full
4 administrative costs, less the deposit. If a conveyance is not
5 made pursuant to an application filed under this Act, the de-
6 posit shall constitute full satisfaction of such administrative
7 costs notwithstanding that the administrative costs exceed
8 the deposit.

9 SEC. 5. The term "administrative costs" as used in this
10 Act includes all costs which the Secretary of the Interior
11 determines are included in a determination of the mineral
12 content of the land in question and the fair market value of
13 the mineral interest.

STAFF EXPLANATION OF S. 566

S. 566 authorizes and directs the Secretary of Agriculture to release, on behalf of the United States, with respect to a 1.99 acre tract of land in the State of South Carolina, the condition that was contained in the deed when the land was conveyed by the United States to the South Carolina State Commission of Forestry. The condition requires, pursuant to section 32(c) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(c)), that the lands conveyed be used for public purposes and revert to the United States if they should cease to be used for public purposes.

The approximately two acre tract of land involved is part of a larger tract of approximately 980 acres that was conveyed by the United States to the South Carolina Commission of Forestry by deed dated June 28, 1955. The land is now part of the Manchester State Forest.

The Secretary of Agriculture would be required to release the reversionary interest referred to only with respect to land covered by and described in an agreement entered into between the Secretary and the South Carolina State Commission of Forestry. In such agreement, the State Commission of Forestry, in consideration of the release of the reversionary interest in the land involved, would have to agree that the land would not be sold, leased, exchanged or otherwise disposed of except to the Tiverton Baptist Church of Sumter, South Carolina. Any proceeds from such disposition must be deposited and held in an account that is open to inspection by the Secretary of Agriculture, and if the proceeds are withdrawn from such account, they must be used exclusively for public purposes.

The bill provides that, upon application, all of the undivided mineral interests of the United States in the tract with respect to which the reversionary interest is released are to be conveyed to the South Carolina Commission of Forestry by the Secretary of the Interior. If the Secretary of the Interior determines that there is no active mineral development or leasing in the area, and that the lands have no mineral value, the mineral interests covered by an application shall be sold for \$1. In other situations, the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

An application for conveyance of the mineral interests must be accompanied by a nonrefundable deposit to be applied to the administrative costs of the Secretary of the Interior in determining the mineral content of the land in question and the fair market value of the mineral interests. An applicant shall pay the full administrative costs, less the deposit, if the mineral interests are conveyed. If there is no conveyance, the deposit would constitute full satisfaction of the administrative costs notwithstanding that the administrative costs exceed the deposit.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., September 21, 1983.

HON. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you requested, here is our report on S. 566, a bill "To direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land conveyed to the South Carolina State Commission of Forestry, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to such Commission."

The Department of Agriculture has no objection to the enactment of sections 1 and 2 of S. 566 concerning the release of the reversionary interest. We defer to the Department of the Interior's views on sections 3, 4, and 5 relating to the disposal of the mineral interests.

S. 566 would direct the Secretary of Agriculture to release the South Carolina State Commission of Forestry from a condition in a deed between the United States and the Commission that requires that lands conveyed by the United States be used for public purposes and revert back to the United States if the lands should cease to be used for public purposes. The bill would affect 1.99 acres of the State land and would require the State to convey the land to the Tiverton Baptist Church of Sumter, South Carolina. The bill also provides that individual mineral interests held by the United States in the tract shall be conveyed by the Secretary of the Interior upon application and payment of administrative costs by the Commission. If the Department of the Interior determines that the 1.99-acre tract has no mineral

value, the mineral interest would be sold for \$1; otherwise, the mineral interests would be conveyed at fair market value.

The land in question is part of the Land Utilization Project (SC-LU-5) known as the Poinsett Project. The Federal Government acquired this land under the authority of Title III of the Bankhead-Jones Farm Tenant Act of 1937. Through a Cooperative and License Agreement between the United States and the State signed in 1939, the State Commission of Forestry gained use of the land and established the Manchester State Forest. This land, totaling 28,718.59 acres, was granted to the State by a deed signed June 28, 1955, for the sum of \$1. The United States retained an undivided three-fourth interest in all coal, oil, gas, and other minerals not outstanding of record. The conveyance was also made subject to the public purpose reverter clause that states that if the land ceases to be used for public purposes it shall immediately revert to the United States.

It is our understanding that the Tiverton Baptist Church existed on the tract before the United States acquired the property, having been given permission to use the land by a previous private owner. The occupancy continued after the 1955 grant to the State, which, although aware of the encroachment, did not seek to resolve it. We understand that the State will donate the 1.99-acre tract to the church if the public purpose reverter clause is removed. The action proposed by S. 566 is similar to that taken in 1968 (82 Stat. 871) with regard to 72 acres of the State forest.

Because the bill would clean up a longstanding "innocent" encroachment and is supported by the State Commission of Forestry, we have no objection to its enactment.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK, *Secretary.*

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., November 8, 1983.

Hon. JESSE HELMS,
*Chairman, Committee on Agriculture, Nutrition, and Forestry,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: As you requested, here are our views on a proposed amendment to S. 566. That amendment would add a provision to the bill that would direct the Secretary of Agriculture to release the public purpose reverter clause from a deed containing a 22,715-acre tract in the Manchester State Forest, South Carolina. The original bill directs the Secretary to release the reverter clause from a 1.99-acre tract on that State Forest. Our views on the original bill are contained in a letter to you dated September 21, 1983.

The Department of Agriculture has no objection to the proposed addition to S. 566, if amended as recommended herein.

The 22,715-acre tract is part of a proposed land exchange between the South Carolina Commission of Forestry and a private party in which the Commission would receive 45.43 acres to replace the 22,715 acres. Removal of the reverter clause from the 22,715-acre tract is necessary to allow the State to complete the exchange.

The State tract, like the 1.99-acre tract in the original bill, was acquired from the Federal Government by a deed dated June 28, 1955, under authority of the Bankhead-Jones Farm Tenant Act of 1937. It is pine timberland. The tract to be acquired is similar. We understand that the State would manage the land for the production of timber.

The amendment requires that the land the State would acquire be used for public purposes. It also does not specify that the exchange be of equal value. We believe that both the United States and the State's interests should be protected by requiring that the two parcels be of equal value. To accommodate this requirement, the amendment should be further amended to authorize the Secretary of Agriculture and the South Carolina Commission of Forestry to revise as necessary the description of properties to be exchanged.

If the amendment is amended as we suggest, the State would acquire land of equal value; we would have no objection to the amendment.

The provision for release and the procedures to be followed on enactment by the South Carolina State Commission of Forestry and the Forest Service will be the same as those followed in prior legislation involving the South Carolina State Com-

mission of Forestry. (P.L. 90-517, approved September 26, 1968, 82 Stat. 871, copy attached)

Our proposed amendments are shown on the enclosure. They are made in reference to the amendment to S. 566 as printed on page 13924 of the October 7, 1983 Congressional Record.

Sincerely,

JOHN B. CROWELL, Jr.,
*Assistant Secretary for
Natural Resources and Environment.*

Enclosure.

USDA RECOMMENDED AMENDMENTS TO AN AMENDMENT TO S. 566

1. Amend section 3, first sentence, by inserting after "land" the third time it appears the words "of at least equal value and".

2. Add a section 5 as follows:

"SEC. 5. The Secretary of Agriculture and the South Carolina Commission of Forestry shall have the authority to revise the size of the parcels to be exchanged and the legal descriptions pertaining thereto in order to insure the parcels are of at least equal value."

98TH CONGRESS
1ST SESSION

S. 1503

To release the reversionary clause by the Federal Government on 6.21 acres in the deed to the land conveyed to the State of Delaware September 24, 1954.

IN THE SENATE OF THE UNITED STATES

JUNE 20, 1983

Mr. ROTH (for himself and Mr. BIDEN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To release the reversionary clause by the Federal Government on 6.21 acres in the deed to the land conveyed to the State of Delaware September 24, 1954.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. The United States Secretary of Agriculture
4 shall, with respect to the real property which was conveyed
5 by the United States of America acting through the Secre-
6 tary of Agriculture, as grantor, to the State of Delaware, for
7 the use of the Board of Game and Fish Commissioners of the
8 State of Delaware, in the quitclaim deed dated September
9 24, 1954, recorded June 30, 1955, in deed book 447, page
10 595, in the Office of the Sussex County Recorder of Deeds,

1 Georgetown, Delaware, pursuant to section 2 hereof, release
2 to said State of Delaware on behalf of the United States of
3 America, the condition attached to said conveyance that such
4 real property shall be used for public purposes, and if at any
5 time said land ceases to be so used, the estate thereby con-
6 veyed shall immediately revert to and become revested in the
7 United States, only with respect to the following described
8 lands:

9 Beginning at the point of intersection of the
10 northeasterly side of Hassell Street (at 30 feet wide)
11 with the northeasterly side of a 50-foot wide right-of-
12 way known as Assawoman Street,

13 thence with said point of beginning and along the
14 said northeasterly side of Hassell Street, and crossing
15 the said 50-foot wide right-of-way know as Assawo-
16 man Street, south 05 degrees 20 minutes 55 seconds
17 east, 297.80 feet to a point in the low water line of
18 Little Bay;

19 thence by the various meanderings thereof, gener-
20 ally in a northwesterly and northeasterly direction, and
21 the westerly limits of lands known as Bay View Park
22 and Bay View Park first addition, 1,666 feet, more or
23 less, to a point, said point being distant by the seven-
24 teen following tie lines connecting points in or near the
25 said low water line from the last described point:

- 1 (1) south 39 degrees 04 minutes 05 seconds
- 2 west, 45.00 feet to a point;
- 3 (2) north 68 degrees 30 minutes 00 seconds
- 4 west, 40.00 feet to a point;
- 5 (3) north 30 degrees 50 minutes 00 seconds
- 6 west, 72.00 feet to a point;
- 7 (4) north 66 degrees 10 minutes 00 seconds
- 8 west, 114.00 feet to a point;
- 9 (5) north 62 degrees 34 minutes 00 seconds
- 10 west, 178.00 feet to a point;
- 11 (6) north 41 degrees 07 minutes 35 seconds
- 12 west, 180.00 feet to a point;
- 13 (7) north 22 degrees 10 minutes 50 seconds
- 14 east, 138.00 feet to a point;
- 15 (8) north 79 degrees 25 minutes 00 seconds
- 16 east, 120.00 feet to a point;
- 17 (9) north 47 degrees 20 minutes 00 seconds
- 18 east, 87.00 feet to a point;
- 19 (10) north 27 degrees 20 minutes 00 seconds
- 20 east, 67.00 feet to a point;
- 21 (11) north 48 degrees 40 minutes 00 seconds
- 22 east, 121.00 feet to a point;
- 23 (12) north 66 degrees 50 minutes 00 seconds
- 24 east, 23.00 feet to a point;

1 (13) north 04 degrees 00 minutes 00 seconds
2 west, 100.00 feet to a point;

3 (14) north 25 degrees 52 minutes 00 seconds
4 west, 74.00 feet to a point;

5 (15) north 77 degrees 25 minutes 00 seconds
6 west, 96.00 feet to a point;

7 (16) north 02 degrees 00 minutes 00 seconds
8 east, 145.00 feet to a point; and

9 (17) north 81 degrees 52 minutes 00 seconds
10 west, 66.00 feet to a point;

11 thence by a line through Bay View Park the first
12 and second additions, crossing Hassell Street and Todd
13 Drive and through lots numbered 8, 10, 12, 14, 16, 18
14 and a portion of 20, north 09 degrees 57 minutes 20
15 seconds west, 650.30 feet to a point;

16 thence continuing through a portion of lot num-
17 bered 20 and recrossing a portion of said Todd Drive,
18 north 40 degrees 04 minutes 20 seconds west, 115.00
19 feet to a point in the low water line of Jefferson
20 Creek;

21 thence thereby the two following described
22 courses and distances:

23 (1) south 77 degrees 36 minutes 45 seconds
24 east, 68.63 feet to a point; and

1 (2) north 75 degrees 50 minutes 00 seconds
2 east, 30.90 feet to a point;

3 thence along the northeasterly line of lots num-
4 bered 2, 4, 6, 8, 10, 12, 14, 16, 18, and 20 of Bay
5 View Park second addition, south 15 degrees 24 min-
6 utes 53 seconds east, 698.18 feet to a point in the line
7 dividing Bay View Park first addition from Bay View
8 Park second addition and the northeasterly side of
9 Hassell Street;

10 thence by new lines along the said northeasterly
11 side of Hassell Street the three following described
12 couses and distances:

13 (1) south 85 degrees 30 minutes 00 seconds
14 east, 53.72 feet to a point;

15 (2) south 15 degrees 24 minutes 53 seconds
16 east, 295.00 feet to a point; and

17 (3) south 05 degrees 20 minutes 55 seconds
18 east, 469.20 feet to a point on the northeasterly
19 side of said Assawoman Street and the point and
20 place of beginning. Containing within such metes
21 and bounds, 6.21 acres of land be the same more
22 or less, being a portion of tract numbered 24 of
23 those lands conveyed by James Leslie Ford, Mar-
24 shal of the United States for the District of Dela-
25 ware to the United States of America in deed

1 dated September 16, 1939, recorded November
2 20, 1939, in deed book 322, page 125, in the
3 Office of the Sussex County Recorder of Deeds,
4 Georgetown, Delaware.

5 SEC. 2. The condition referred to in section 1 hereof
6 only with respect to the real property hereinabove described
7 shall be released upon certification by the Secretary of the
8 Delaware Department of Natural Resources and Environ-
9 mental Control to the United States Secretary of Agriculture
10 that an area of wetlands, marsh, or shore lands within the
11 State of Delaware containing at least 6.21 acres has been
12 dedicated to public purposes. Such certification shall indicate
13 the location and set forth a legal description of the dedicated
14 area, and a legal opinion shall be included to establish that
15 title to the dedicated property is vested in the State of Dela-
16 ware and that a restriction of public purpose applies to the
17 dedicated property.

STAFF EXPLANATION OF S. 1503

The bill would require the Secretary of Agriculture, on behalf of the United States, to release to the State of Delaware the condition in the deed of conveyance of certain land to the State that provides that the land conveyed must be used for public purposes and if it ceases to be so used the land will revert to the United States. The land involved was conveyed to the State of Delaware in 1954 for the use of the Board of Game and Fish Commissioners of the State.

The reversionary condition could be released only upon certification by the Secretary of the Delaware Department of Natural Resources and Environment Control to the Secretary of Agriculture that an area of wetlands, marsh, or shore lands within the State of Delaware containing at least 6.21 acres has been dedicated to public purposes. The certification would have to indicate the location and set forth a legal description of the dedicated area. A legal opinion would have to be included with the certification establishing that title to the dedicated property is vested in the State of Delaware and that a restriction of public purpose applies to the dedicated property.

The release would apply to approximately 6.21 acres. The 6.21 acres is land that had accreted to a larger parcel of land that was transferred in 1954 by the United States to Delaware as part of the approximately 1500 acre Assawoman Wildlife Area. Under the state law of accretion, the 6.21 acre parcel became State land. However, it was developed into 39 lots by a developer who is now deceased.

The State of Delaware has worked out an agreement that requires the widow of the developer to transfer an approximately 8 acre parcel of land to the State and the State in turn would provide clear titles to the 39 lot owners. The transfer of the 8 acres to the State was done by deed of March 1, 1983, but the transfer is contingent on passage of Federal legislation releasing the reversionary interest of the United States.

